

EXHIBIT

A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

SHAWN ALLEN HAMILTON, ET AL	§	
	§	
VS.	§	CIVIL ACTION NO. _____
	§	
A & L INDUSTRIAL SERVICES, INC.;	§	
BAKER CONCRETE CONSTRUCTION, INC.;	§	
BRAND ENERGY AND	§	
INFRASTRUCTURE SERVICES, INC.;	§	
BROCK SERVICES, LTD.;	§	
CAR-BER TESTING TEXAS, LLC;	§	
COASTAL INDUSTRIAL SERVICES, INC.;	§	
ECONOMY INSULATION CO., INC.;	§	
EMPIRE SCAFFOLD, LLC;	§	
INSULATIONS, INC.;	§	
INTEGRATED ELECTRICAL SERVICES, INC.;	§	
ISC, LLC;	§	
KT MAINTENANCE COMPANY, INC.;	§	
ORBITAL INDUSTRIAL INSULATION CORP.;	§	
PCL INDUSTRIAL;	§	
PERFORMANCE CONTRACTORS, INC.;	§	
PORT ARTHUR LOGISTICS, LLC;	§	
RMF NOOTER, A SUBSIDIARY OF	§	
NOOTER CONSTRUCTION COMPANY;	§	
S & B ENGINEERS AND CONSTRUCTORS	§	
LTD.;	§	
TECON SERVICES, INC.;	§	
TETON, A PCL COMPANY;	§	
PCL INDUSTRIAL CONSTRUCTION CO.;	§	
TOTAL INDUSTRIAL PLANT SERVICES, INC.;	§	
TRACER INDUSTRIES MANAGEMENT	§	
CO., INC.;	§	
AXION LOGISTICS, LLC;	§	
EVERGREEN FABRICATION AND	§	
INDUSTRIAL SERVICES, INC.;	§	
TURNER INDUSTRIES GROUP, LLC	§	

PLAINTIFFS' ORIGINAL COLLECTIVE ACTION COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, SHAWN ALLEN HAMILTON, JONATHAN A. ACEVES, MARK
ANTHONY AGUILAR, RONNIE JOSEPH ALLEN JR., VICTORIANO ALONSO

JARAMILLO, EUGENIO ALEJANDRE ALVAREZ, JOSE M. ALVAREZ-TORRES, JOSE
LUIS ALVAREZ, JULIO MEDRANO AMARO, ERNEST A. ANDERSON III, NANCY
ANDRIO, ADAN OLALDE ANGEL, LOUIS ALBERTO AQUILAR, MACEDONIO
ARMENDARIZ JR., LAURENCIO BANDA AVILA, DAVID JACKSON AYERS SR., NEAL
W. BARRETT, CLAUDE VASHON BATEASTE, FRED R. BECERRA, ELISA JOSEFINA
BENAVIDES, ELOY BENAVIDES-VILLARREAL, OZIEL V. BENAVIDES, BINCY
BENNACHEN, GERARD KEVIN HORDE BIHM, SHAWN BOUTTE, JAMES LOUIS
BOWEN, KENYA MARIE BRADLEY, VICTOR MANUEL BRISENO, VICTOR MANUEL
BRISENO JR., CLIFTON PAUL BROUGHTON, SHANISSA LATRELL SYO BROWN,
DALE ROSS BRUNO, GREG JAMES BRUNO, ABRAHAM BUENROSTRO, BEAR
GILORY BURTON, DANA KEITH BUTCHER, LEROY BUTLER JR., ANGELA
CHAMPAGNE CAIN, JUAN ELIAS CALLES, JOSE CALZONCINTH, NARSISO
CAMARGO JR., GEORGE ROBERT CAMPBELL, ABIEL CANTU, HECTOR NEREO
CANTU JR., JESUS G. CARABAJAL JR., JOSE E. CARDONA, BALDOMERO C.
CASTILLO, GILDARDO CASTELLANOS, JOSE MENDOZA CASTELLANOS, TIMOTEO
PAEZ CASTANEDA, EDGAR ALBERTO CAVAZOS, SERGIO GUADA CAVAZOS,
FRANCISCO J. CEPEDA, EDGAR OSWALDO CERVANTES, IVAN BENANCIO
CERVANTES SANCHEZ, JAIM CERVANTES BEJAR, JOSEPH PAULOSE
CHAKKUNGAL, KENDEUS PAUL CHANNELL, GUSTAVO DAVIS CHAVARRIA,
JESUS CHAVEZ-FIGUEROA, JESUS CHAVEZ-FIGUEROA, JOSE DEJESUS CHAVEZ
HERRERA, PABLO CHAVEZ, BRICE DELAINE CHRISTIAN, MARIO CISNEROS,
JERON DEWARN CLAYTON, SHERMAIN RUTH COLLINS, JOSE COLON-
CARABALLO, JULIA AZENETH CONTRERAS, GERSON GEOVANY CORNEJO, ADAN

CORONADO, JUAN DELOURDES COVARRUBIA, NELSON A. CRUZ, PEDRO CRUZ, RUFINO MARTINEZ CRUZ, MARIANA DAVILA, RENE NIETO DAVILA, SERVANDO DAVILA, SHIRLEY M. DAVIS, WESLEY WENDELL DAVIS, ADRIANA M. DELACRUZ, CLEAL PATRICK DERRY JR., KEVIN ALLAN DICKEN, DARIO DUARTE, GENARO DUQUE CASTILLO, JULIO SESAR DURAN, TERRA DEVON DURISO, JARVIS LEE EAGLIN, MELVIN JAVIER ELVIR, PEDRO LAZCANO ESPINOZA, ROBERTO FIGUEROA JR., ADAN GUZMAN FLORES, ANTONIO FLORES JR., HERMINIO FLORES, ISRAEL FLORES, MARCELO VAZQUEZ FLORES, RAFAEL VAZQUEZ FLORES, DENNIS RUBEN FORTE, JAMES RANDY FOWLER JR., RONDELL FRANCIS, FERNANDO MEDINA GALVAN, BENJAMIN GARCIA-BECERRA, BENJAMIN GUTIERREZ GARCIA, EDUARDO BECERRA GARCIA, IVAN GARCIA, JULIO GARCIA MARTINEZ, ROGELIO GARCIA JR., ROLANDO GARCIA, TERRY GARRETT, CARLOS PUENTE GARZA, FELIX GARZA, FERNANDO GARZA-LOZANO, JOAQUIN GONZALEZ GARZA, JULIAN GARZA JR., FRANK CHARLES GILBERT, ARTHUR RAY GILLESPIE, ROBERT LEE GILLESPIE, OSCAR FERNANDO GODINEZ, EVAN EVERETT GOLDEN, ANGEL GUADALUPE GOMEZ, JUAN ANTONIO GONZALEZ, KEVIN ZURESH GONZALEZ, MARCO A. GONZALEZ, MARCO ANTONIO GONZALEZ, RODRIGO GARCIA GONZALEZ, RUBEN GONZALEZ, KOTIE RAY GRADNIGO, SANDRA MARGARITA GRIJALVA, GARRETT CLAY GROS, BENIGNO GUADIAN CARDOZA, LEONARDO GUADIAN JR., RUDY GUERRA, KHRISTOPHER RON KEIT GUILLORY, JOSE IGNACIO GUTIERREZ, JUAN M. GUTIERREZ RAMOS, MARIO ALFONSO GUTIERREZ, MARIO OMAR GUTIERREZ, MIGUEL A. GUTIERREZ MARTINEZ, JOEL ELIV GUZMAN, DENNIS MARTIN HAMMETT JR., DOROTHY

MARIE HANSON, TRELONDA PATRICE HARTLEY, ORRIN BERNARD HAYES, HUEY PAUL HEBERT, JULIO CESAR HERMOSILLO, HECTOR S. HERNANDEZ, JOSE ANGEL HERNANDEZ, JUAN CARLOS HERNANDEZ, JUAN G. HERNANDEZ, JUAN JOSE HERNANDEZ JR., JUAN MANUEL HERNANDEZ, MIGUEL ANGEL HERNANDEZ, ROQUE F. HERNANDEZ-BARRAZA, JORGE LUIS HINOJOSA, RODERICK JOVONNE HOWARD, SHANNON LUCAS HOWARD, BARNIE C. HOWELL JR., GREGORY WAYNE HUDSON, BENITO HUERTA, ZACHARY SCOTT HULET, CECILIA HILARIO HYDEN, VICTOR IZAGUIRRE CAMARGO, GIL S. JACKSON, GUALBERTO JAIMES, IJU JAMES JAMES, CHRISTOPHER ANDREW JORDAN, HERMAN JOYAS-ROBINSON, RANDY LEBOUF, DEWAYNE KEITH LECOMPTE SR., ARMANDO ESTRADA LLANOS, RICARDO LOPEZ, ALEXANDRO LOZANO, RODRIGO LUNA JR., CRISTIAN VALENCIA MAGANA, GERARDO MANZO ALVAREZ, BENJAMIN HERRERA MARRON, CESAR MORALES MARROQUIN, ALEX PINEDA MARTINEZ, ALFREDO MARTINEZ, HUMBERTO AVALOS MARTINEZ, JOSE ANGEL MARTINEZ BARAJAS, JORGE GONZALEZ MARTINEZ, MARIA MARINA MARTINEZ, MAYNOR MARTINEZ VELAZQUEZ, SABAS LIRA MARTINEZ, RAYMOND MASSEY, TERRENCE LAMONT MAYES, MICHAEL CHARLES MCGALLION, ELVIN DEWAYNE MCNEELY, MELESIO GALVAN MEDINA, SALVADOR BARAJAS MEDINA, DAVID MINIX, MARIO CESAR MINJARES, ROBERTO MINJARES JR., STEPHEN HORACE MINTON, KEIDRICK RODON MITCHELL, JORGE LUIS MOLINA JR., ALFREDO MONCADA, ARNULFO GARCIA MONDRAGON, JESUS RANGEL MONJARAZ, JEREMY PAUL MONK, NECIA MCCARTNEY MONK, ANTONIO APOLINAR MORALES JR., ALDO MORENO GARCIA, AMADO GUERRA MORENO, JOHNNIE

GLOVER MUKHERJEE, BAYARDO JOSE MUNGUIA, TOMAS REYNA NARVAEZ JR.,
CRUZ HERNANDEZ NAVARRO, ISAIAS I NAVARRO, GERARDO MORALES
NEGRETE, ADRIAN NEVAREZ, JAVIER SANDOC NUNEZ-SANDOVAL, JOSE
GUADALUPE NUNEZ, ROBERTO CARLOS OBREGON, AURELIO AYALA
OCEGUERA, JUAN PABLO OCEGUERA, GAITAN OCTAVIO, ERIC DAMIAN
ORTEGA, JUAN GREGORIO ORTEGA, JEREMY ANTHONY ORTIZ, JUAN ORTIZ,
ESPERANZA L. PADRON HUETA, JULIO PALMA, FRANCISCO JAVIER PAZ, JOSE J.
PEDROZA, ANGEL PEREZ JR., LUIS ANTONIO PEREZ, JACOB ALEX PERRITT,
ROBERT GLENN PERRITT, KHANH HUY PHAM, KHUONG MINH PHAM, JAMES
EDWARD PHILLIPS II, ANDRE PRICE, JESUS SILVA PULIDO, JOSE JESUS
PULIDO, ROBERTO PULIDO-CHAVEZ, CARLOS OMAR QUINTANILLA, JAIME
OMAR QUINTANILLA, JESUS GUADALUPE QUINTANILLA, JOSE ROGELIO
QUINTANILLA, MIGUEL A. QUINTANILLA, ANGEL FLORES RAMIREZ, EDUARDO
RAMIREZ GARCIA, MARTIN HERNAN RAMIREZ, JAVIER RANGEL, MARIO
MALDONADO RANGEL, HAROLD EDWARD RANKIN, JOSE ALBERTO REYES,
REYMUNDO MENDOZA REYES, RODOLFO ROSAS REYES, RAUL G. REYNOSO,
ARTHUR LEE RICHARDSON II, ALBERTO RIOS-CANTU, FEDERICO VALLADARES
RIOS, RAUDEL QUINTANILLA RIOS, JUAN C. RIVERA, MIGUEL ANGEL RIVERA-
SANTOS, JESUS RODRIGUEZ, JOSE LUIS RODRIGUEZ, VICTOR RODRIGUEZ,
EDGAR OMAR ROQUE-FIGUEROA, PABLO SABLON, JOSE RAMON SALAZAR, JUAN
ENRIQUE SALAZAR JR., JULIO C. SALAZAR, EBERARDO SALINAS, ARTURO
VASQUEZ SANCHEZ, HILARIO SANCHEZ, ISAI SANCHEZ-CASAS, FERNANDO J.
SAUCILLO, TOMAS ESTRADA SAUCEDA, AKEEM JARRARD SCOTT, GUSTAVO E.

SEPULVEDA-CHAPA, ABELARDO V. SILVA, RAUL LIMON SILVA, RICARDO SILVA, JOSHUA CAYLIN SIMMONS, ANTHONY LAYNE SMART, SEDRICK DEMOND STALLWORTH, PHILIP ELIAS STEFFEY, ALFRED LEE STEWART JR., KANTRELLE DEON STEWART, PATRICK WADE STOUT, ANTONIO BERNARD TEAL, SHERRY DARLENE TERRY, ANDREW THOMAS, CHARLES WAYNE THOMAS, EDUARDO TRIGO, ITHELIO SALVADOR TURCIOS, ELLIS PATRICK TYLER, JESUS M. URBANO-BLANCO, NYCHRISTON RAYSHARON URSIN, JAMES ALLEN VARNER, SCOTT VEGA, SERGIO QUINTANILLA VEGA, JUAN M VILLANUEVA, DEANNA MERRILL WASHINGTON, WARREN JACKSON WEST, AARON LAMONT WILLIAMS, STEVIE DEON WORLDS, JUAN FRANCISCO ZAMARRON, DANIEL LEE HARVEY, MICHAEL DAVID STUNTZ, TUCKER SHANE STEELE, ANDRES FIGUEROA JR., HOWARD EUGENE LEBLANC JR., SHAWANDA THIBODEAUX SMITH, PEDRO A. MERCEDES, PAMELA YVONNE FONTENOT, JOEY LEE CANTU, ROY LEE DANIELS JR., JORGE E. SALINAS, ISSAC JOSEPH LOUIS JR., HOWARD EUGENE LEBLANC JR., MELVIN LAMAR WHITE, RODOLFO BEAR, CYNTHIA LYNN DYSON, PEDRO A. MERCEDES, LUIS GARCIA-ANDRADE, JAMES MILTON THOMAS, DAVIUN RAMOND JULIEN, ALONZO KNATT JR., HOWARD EUGENE LEBLANC JR., JOSE ALFREDO ZAMORA-CARDENAS, JOSE ROLANDO MUNIZ, SHAWANDA THIBODEAUX SMITH, ROBERTO SAUCEDO, OLGA LIDIA VALLADARES, MARTIN RAMIREZ-CASTANEDA, MARTHA ELVA TRUJILLO, GERARDO LOPEZ, EFRAIN AGUILAR CISNEROS, RODNEY LOUIS WILLIAMS, ROBERTO VALENCIA FIGUEROA, MIGUEL ASIEL GONZALEZ JR., JOSE MARIO MARTINEZ JR., MARTIN ADRUSBEL VELA, LATRICIA EVANGLINE GARNER, MARTERYA QUESHAN YOUNG-AGUILAR, FERNANDEZ

RODRIGUEZ, ERNESTO DIAZ RODRIGUEZ, EMILSON RODRIGUEZ RODRIGUEZ, WILLIAM ROS ADO, FRANCISCO VALENTIN-AVINO, ROY DEAN CLARK, JACOB MCGREW, ROBERT M. RUTLAND, FRANCISCO J. COLON VILLODAS, JULIO LUIS COLON VILLODAS, LUCIO ANTON LARA-ESCARPITA, PAUL ALLEN SIMONS, LATRICIA EVANGLINE GARNER, JOSE EDGAR CANTU, JORGE E. SALINAS, TUCKER SHANE STEELE, MANBOAD SHIVRAM, HOWARD EUGENE LEBLANC JR., ALVIN SHINETTE, SALVADOR ALVAREZ JR., SUSANNA KATE COCHRAN, QUINCY DEVON THOMPSON, JUAN VAZQUEZ LARA, JORGE ALFONSO GAONA, JUAN C. MALDONADO-SANTOS, RAFAEL GARCIA-RANGEL, GERARDO LOPEZ, JUAN JOSE GARCIA RANGEL, PAMELA YVONNE FONTENOT, JOEY LEE CANTU, LUIS E. ZELAYA, BERNARDO LEAL JR., MARTIN BECERRA HERNANDEZ, RALPH ALEMAN, OSWALDO FIGUEROA TORRES, ISMAEL ARCE JR., JOSUE SAENZ, JUAN HUMBERTO MUNIZ-ALEJO, JOSE GUADALUPE SAENZ JR., ROBERTO VALENCIA FIGUEROA, CRISTOBAL TORRES, JESUS HERRERA, FAUSTINE MARGARET MANAWAY, ANDRES FIGUEROA JR., FRANCISCO J. COLON VILLODAS, NICHOLAS JAMES FIGUEROA, JUAN SANDOVAL, SANDRA FAYE DOYLE STELLEY, DORIS M. MARTIN, NARSISO CAMARGO, JR., PEDRO A. MERCEDES, MIGUEL MARTINEZ RIVERA, JEFFERY MICHAEL HAYS, ADOLFO PASCUAL ANTONETTI, ASHFORD A. BALLANTYNE, CHRISTOPHER BOULEY, JUAN J. CAMACHO, ALFONSO GUERRERO CHAPA, TERRY RAY CHERRY, WILLIAMS JOSEPH CLARK, CHARLES J. COMEAUX, TINA M. COMEAUX, JAIME DIAZ, VICTOR HUGO GARZA, DICKIE GEE, DAMIAN LEDOUX, NICOLE CAROLYNN MCDANIEL, JORGE MEDINA, OLGA THAISHA MELENDEZ, JERRY LANELL MILLER, HIROSI GOMEZ NAKAO,

CHARLES NEWTON, BAUDELIO NUNEZ, TONY G. POLANCO, HECTOR RIOS, JESSE ROJAS, CINTHIA ACOSTA TORRES, ROBERT M. TURNER, JR., ANICETO LOPEZ VALDEZ, JUAN VELEZ, MARCOS VERDIN, JAMES EDWARD YARBER, DONALD R. YOUNG, JUAN ZAMORA, HECTOR OLIVAREZ, and DANIEL EDUARDO CHAPA, Plaintiffs, complaining of and against A & L INDUSTRIAL SERVICES, INC., BAKER CONCRETE CONSTRUCTION, INC., BRAND ENERGY AND INFRASTRUCTURE SERVICES, INC., BROCK SERVICES, LTD., CAR-BER TESTING TEXAS, LLC, COASTAL INDUSTRIAL SERVICES, INC., ECONOMY INSULATION CO., INC., EMPIRE SCAFFOLD, LLC, INSULATIONS, INC., INTEGRATED ELECTRICAL SERVICES, INC., ISC, LLC, KT MAINTENANCE COMPANY, INC., ORBITAL INSULATION CORP., PCL INDUSTRIAL, PERFORMANCE CONTRACTORS, INC., PORT ARTHUR LOGISTICS, LLC, RMF NOOTER, A SUBSIDIARY OF NOOTER CONSTRUCTION COMPANY, S & B ENGINEERS AND CONSTRUCTORS LTD, TECON SERVICES, INC., TETON, A PCL COMPANY, PCL INDUSTRIAL CONSTRUCTION CO., TOTAL INDUSTRIAL PLANT SERVICES, INC., TRACER INDUSTRIES MANAGEMENT CO., INC., AXION LOGISTICS, LLC, EVERGREEN FABRICATION AND INDUSTRIAL SERVICES, INC., and TURNER INDUSTRIES GROUP, LLC, Defendants, for causes of action and alleges as follows:

I. JURISDICTION

1.1 This is an action under the Fair Labor Standards Act of 1938, as amended, 29 USC 201 *et seq.* (hereinafter "the FLSA"). Jurisdiction of this action is conferred on the Court under Section 16(b) of the FLSA (29 USC 216(b)), by the provisions of 28 USC 1337, and by 28 USC 1331.

II. VENUE

2.1 Venue is proper pursuant to 28 U.S.C. § 1391(b), as the Eastern District of Texas is the judicial district in which a substantial part of the events giving rise to the claims occurred.

III. PARTIES

3.1 Plaintiffs appear in this action on behalf of themselves and all those that are similarly situated.

3.2 Defendant, A & L INDUSTRIAL SERVICES, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Joe Swindoll, 11358 Easttex Freeway, Houston, Texas 77093**, and/or at its corporate address: **1728 North Hwy 146, La Porte, Texas 77571**.

3.3 Defendant, BAKER CONCRETE CONSTRUCTION, INC, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **National Registered Agents, Inc., 1021 Main Street, Suite 1150, Houston, Texas 77002**.

3.4 Defendant, BRAND ENERGY AND INFRASTRUCTURE SERVICES, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234**.

3.5 Defendant, BROCK SERVICES, LTD., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Capitol Corporate Services, Inc., 800 Brazos, Suite 400, Austin, Texas 78701**.

3.6 Defendant, CAR-BER TESTING TEXAS, L.L.C., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201.**

3.7 Defendant, COASTAL INDUSTRIAL SERVICES, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Christene D. Sonnier, 7662 Roger St., Orange, Texas 77632.**

3.8 Defendant, ECONOMY INSULATION CO., INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Pete Steele, 3120 Central Mall Drive, Port Arthur, Texas 77642.**

3.9 Defendant, EMPIRE SCAFFOLD, LLC, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.**

3.10 Defendant, INSULATIONS, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234.**

3.11 Defendant, INTEGRATED ELECTRICAL SERVICES, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234.**

3.12 Defendant, ISC, LLC, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas:

Catbird, LLC, 3717 W. 7th Street, Fort Worth, Texas 76107.

3.13 Defendant, KT MAINTENANCE COMPANY, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Kenny L. Timms, Sr., 2920 Eastex Freeway, Beaumont, Texas 77703.**

3.14 Defendant, ORBITAL INSULATION CORP., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **James E. Wimberley, 3120 Central Mall Drive, Port Arthur, Texas 77642.**

3.15 Defendant, PCL INDUSTRIAL CONSTRUCTION CO., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **National Registered Agents, Inc., 1021 Main Street, Suite 1150, Houston, Texas 77002.**

3.16 Defendant, PERFORMANCE CONTRACTORS, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234.**

3.17 Defendant, PORT ARTHUR LOGISTICS, LLC, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Dwana K. Wise, 2901 Turtle Creek Drive, Suite 424, Port Arthur, Texas 77642.**

3.18 Defendant, RMF NOOTER, A SUBSIDIARY OF NOOTER CONSTRUCTION COMPANY, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234.**

3.19 Defendant, S & B ENGINEERS AND CONSTRUCTORS, LTD, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 North St. Paul Street, Suite 2900, Dallas, Texas 75201-4234.**

3.20 Defendant, TECON SERVICES, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.**

3.21 Defendant, TETON, LTD., A PCL COMPANY, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Michael H. Neufeld, 218 N. Broadway, Suite 204, Tyler, Texas 75702.**

3.22 Defendant, PCL INDUSTRIAL CONSTRUCTION CO., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **National Registered Agents, Inc., 1021 Main Street, Suite 1150, Houston, Texas 77002.**

3.23 Defendant, TOTAL INDUSTRIAL PLANT SERVICES, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Daniel E. Mabry, 595 Orleans, Suite 1400, Beaumont, Texas 77701.**

3.24 Defendant, TRACER INDUSTRIES MANAGEMENT CO., INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234.**

3.25 Defendant, AXION LOGISTICS, LLC, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Ewing & Jones, PLLC, 6363 Woodway, Suite 1000, Houston, Texas 77057.**

3.26 Defendant, EVERGREEN FABRICATION AND INDUSTRIAL SERVICES, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Jacob J. Ansium, 17306 Lake Chelan Lane, Humble, Texas 77346.**

3.27 Defendant, TURNER INDUSTRIES GROUP, LLC, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corp System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234.**

IV. FACTUAL ALLEGATIONS

4.1. During various time periods, Plaintiffs ("the employees") performed work at the Motiva Port Arthur, Texas SBU2 Crude Expansion Project (hereinafter referred to as "the Motiva job"). Each day, Plaintiffs were required by Defendants to report for work at a certain location whereupon Plaintiffs were to get on a bus and be transported to the Motiva facility. Later, Plaintiffs would be taken back by bus to the original point of departure. (See listing of Plaintiffs and their employers, attached hereto as Exhibit "A".)

4.2 Each day, the time spent in transit (from time of original reporting at the beginning of the work shift until time of disembarking the bus at the end of the shift) was approximately thirty to ninety (30-90) minutes total.

ALLEGATIONS AS TO DEFENDANTS,
BRAND ENERGY AND INFRASTRUCTURE SERVICES, INC., BROCK SERVICES,
LTD., COASTAL INDUSTRIAL SERVICES, INC., ECONOMY INSULATION CO., INC.,
INSULATIONS, INC., INTEGRATED ELECTRICAL SERVICES, INC., KT
MAINTENANCE COMPANY, INC., ORBITAL INSULATION CORP., PCL INDUSTRIAL,
PORT ARTHUR LOGISTICS, LLC, TECON SERVICES, INC., TETON, A PCL
COMPANY, AXION LOGISTICS, LLC,
EVERGREEN FABRICATION AND INDUSTRIAL SERVICES, INC., AND PCL
INDUSTRIAL CONSTRUCTION CO.

4.3 Plaintiffs allege that the time they were forced to be on the buses is compensable under the FLSA and not excluded by the Portal-to-Portal Act.

ALLEGATIONS AS TO ALL DEFENDANTS

4.4 Plaintiffs were paid compensable time for a certain pre-determined time period each day (*i.e.* 7:00 a.m. - 5:30 p.m.). However, Plaintiffs were frequently required to undertake compensable activities prior to or after the pre-determined "work time" each day including, but not limited to:

a. The Employees were required to retrieve, and put on personal protective equipment and gear (including but not limited to work gloves, goggles, monitors, safety

glasses, protective clothing and the like) at home or at the park-n-ride, and then to take it off and stow it away at their homes every night.

b. The Employees were required before work time to attend mandatory safety meetings held at the lunch tent area which would commence before the time recorded as the beginning of their compensable time.

c. The Employees who were assigned radio equipment would have to go to offices or other areas to retrieve said equipment in the morning; and would have to return said equipment after the end of hours that they were compensated for, and/or take them home and charge them up at night.

d. The Employees who were assigned "Nextel" or similar communication devices and were required to take them home were frequently contacted by other employees well prior to the designated compensable time to discuss work issues including but not limited to the tasks and challenges for the upcoming day.

e. The Employees would be required to attend daily foremens' (tool box) safety meetings; would be required to attend or participate in Job Safety Analysis (JSA) or similar pre-work safety reports or discussions; would be called upon to fill out, review, or complete "START" cards or other similar safety paperwork; would be required to engage in exercise or calisthenics in order to "warm up" for the day's work; and/or would be required to attend "tool box meetings" or be "lined out" in their daily job duties, all prior to the commencement of the designated compensable time.

4.5 During these times, Plaintiffs were unable to effectively use their time for their own purposes and were performing work activities. They were under the control of their employers, and the time in question and actions taken or required of them predominantly benefitted their employers and constituted integral parts of their job

duties. As such, Plaintiffs' "work day" actually began and/or ended at points outside of the pre-determined "work time" for which they actually received compensation.

4.6 Plaintiffs are Consentors in this action.

V. COLLECTIVE ACTION ALLEGATIONS

5.1 During the time period referenced above, and before and after, Defendants have implemented and enforced the policies referenced which required Employees to work for or after their designated compensable time working at the Motiva job, which upon information and belief amount to five-thousand (5,000) or more persons. There exists a class of persons defined as all those who have been employed by Defendants on the Motiva job from the time period May 1, 2009 and continuing; but the class shall not include the presiding judge, any persons currently employed by the United States Government and working in the offices of or on behalf of the District Clerk for the Eastern District of Texas, or in the offices of or on behalf of any judge sitting in the Eastern District of Texas, and any persons who become so employed or so work prior to the entry of a Final Judgment in this action.

5.2 The requisites of 29 USC 216 and the FLSA Collective-Action provisions have been met. The class consists of hundreds or thousands of persons, making the members so numerous that individual lawsuits by each of the members of the group would be impractical.

5.3 Further, there are common questions of law and fact common to all members of the group. These common questions include, among others: (1) Whether the time spent on the buses is compensable as a matter of law; (2) Whether Defendants should have properly included time spent outside of the pre-determined "work hours" in the day for purposes of wages; (3) Whether Defendants have violated the Fair Labor Standards Act;

(4) Whether Defendants' actions were "willful" as defined by the Fair Labor Standards Act.

5.4 The claims of the Plaintiffs are typical of the claims of other members of the group, and they will fairly and adequately represent and protect the interest of the proposed class. Plaintiffs have no interest antagonistic to those of the other members of the proposed class. Plaintiffs' attorneys are qualified, experienced, and able to conduct this litigation.

5.5 The questions of law and fact common to the members of the proposed class predominate over any questions affecting only individual members.

5.6 A class or collective action is superior to other methods for the fair and efficient adjudication of the claims asserted herein, and no unusual difficulties are likely to be encountered in the management of this class action.

VI. VIOLATIONS AND DAMAGES

6.1 Defendants have negligently or willfully failed to pay Plaintiff and other class members for time spent in employment, as more fully set forth above, in violation of the FLSA.

6.2 Defendants have negligently or willfully failed to keep adequate records of hours worked, in violation of the FLSA.

6.3 Plaintiffs are entitled to damages representing wages not properly paid, as well as an additional equal amount as liquidated damages resulting from Defendant's willful violation of the FLSA. 29 USC 207, 216(b), 255(a). Plaintiffs are further entitled to recover their attorneys' fees, expert fees, pre-judgment and post-judgment interest on all damages, and their costs of court.

PRAYER

WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

1. For an order certifying this matter as a collective action under the Federal Rules of Civil Procedure, and appointing Plaintiffs and their counsel to represent the class;
2. For an order directing that all collective action members be notified of the pendency of this action and given an opportunity to consent to participation, at the cost of Defendants,
3. For all damages, actual, special, and incidental, that are recoverable under law as the evidence may show proper;
4. For attorney's fees in an amount deemed sufficient to cover the prosecution of this action;
5. For all costs of these proceedings and interest from date of judicial demand; and,
6. For such other and further relief, in law or in equity, as to which Plaintiffs may show themselves to be justly entitled.

Respectfully submitted,

REAUD, MORGAN & QUINN, L.L.P.
801 Laurel Street
P. O. Box 26005
Beaumont, Texas 77720-6005
(409) 838-1000
FAX (409) 833-8236

By /s/ John Werner
John Werner
State Bar No. 00789720
Attorneys for Plaintiffs

EXHIBIT B

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

SHAWN ALLEN HAMILTON, ET AL

Plaintiff

v.

A&L INDUSTRIAL SERVICES, INC., ET AL

Defendant

Civil Action No. 1:12-CV-00388

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* EVERGREEN FABRICATION AND INDUSTRIAL SERVICES, INC.
C/O JACOB J. ANSIUM
17306 LAKE CHELAN LANE
HUMBLE, TEXAS 77346

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

JOHN WERNER
C/O REAUD, MORGAN & QUINN, LLP
P.O. BOX 26005
BEAUMONT, TEXAS 77720-6005

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 8/22/12

CLERK OF COURT



David Malone
Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 1:12-CV-00388

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Evergreen Fabrication and Industrial Services, Inc.
was received by me on *(date)* 09/05/2012.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

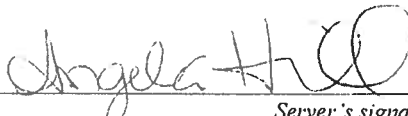
☐ I returned the summons unexecuted because _____; or

☒ Other *(specify)*: U.S.P.S., Certified Mail, Return Receipt Requested #7011 2000 0000 9957 5273

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 9-6-12



Server's signature

Angela Hill, Legal Assistant

Printed name and title

c/o Reaud, Morgan & Quinn, L.L.P.
P.O. Box 26005
Beaumont, Texas 77720-6005

Server's address

Additional information regarding attempted service, etc:

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SEP - 7 2012
BY DAVID J. ALAND, CLERK
DEPUTY

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <u>ANSIUM</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Evergreen Fabrication and Industrial Services, Inc. c/o Jacob J. Ansium 17306 Lake Chelan Lane Humble, Texas 77346		B. Received by (Printed Name) <u>ANSIUM</u>	C. Date of Delivery <u>8/30/11</u>
2. Article Number (Transfer from) <u>7011 2000 0000 9957 5273</u>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Angela Hill, Legal Assistant
Reaud, Morgan & Quinn, LLP
P.O. Box 26005
Beaumont, Texas 77720-6005

EXHIBIT C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MIGUEL MARTINEZ RIVERA

v. Civil No. 1:14-CV-00076
EVERGREEN FABRICATION AND
INDUSTRIAL SERVICES, INC.

CLERK'S ENTRY OF DEFAULT

On this _____ day of _____, 20____, it appearing from the affidavit(s)
in support of default of Mark Frasher, attorney for plaintiff, that each of the
defendants named below has failed to plead or otherwise defend herein as provided by the Federal
Rules of Civil Procedure;

Now, therefore, the DEFAULT of each of the following named defendants is hereby entered:
EVERGREEN FABRICATION AND INDUSTRIAL SERVICES, INC.

DAVID J. MALAND, CLERK

By: _____
Deputy Clerk

EXHIBIT D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MIGUEL MARTINEZ RIVERA, ET AL

v.

Civ. No. 1:14-CV-00076

EVERGREEN FABRICATION AND
INDUSTRIAL SERVICES, INC.

AFFIDAVIT IN SUPPORT OF CLERK'S ENTRY OF DEFAULT

I hereby certify that I am the plaintiff or the attorney of record for the plaintiff in the above cause, and that defendant Evergreen Fabrication & Industrial was served by the following method:

UNITED STATES POSTAL SERVICE
CERTIFIED MAIL, RETURN RECEIPT REQUESTED
#7011 2000 0000 9957 5280

I further certify that the defendant has failed to serve an answer or other responsive pleading; no extension has been granted or any extension has expired; the defendant is neither an infant (under age 21) nor an incompetent person; the defendant is not in the active military service of the United States of America or its officers or agents or was not six months prior to the filing of the case.

The Clerk is requested to enter a default against said defendant.

Date:

01/07/2015

MARK FRASHER

Plaintiff or Attorney for Plaintiff

00798187

Bar No.

P.O. BOX 26005

Address

BEAUMONT, TEXAS 77720-6005

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

Rivera et al

v.

C.A. No. 1:14-cv-00076

Evergreen Fabrication and
Industrial Services, Inc.

DECLARATION OF MIGUEL MARTINEZ

I declare under penalty of perjury that the statements set forth below are true and correct.

My name is Miguel Martinez. I was formally employed by Defendant Evergreen Fabrication and Industrial Services ("Evergreen"), Inc. on the Motiva Crude Oil Expansion Project ("Motiva CEP"). I am a claimant in the above lawsuit.

I worked for Evergreen for approximately 3 months on the Motiva CEP. During my employment with Evergreen I worked 7 day workweeks and my straight time hourly rate was \$27.75. My daily pay period was generally 7:00am to 5:30pm. As a requirement of my job with Evergreen I was required to report to a parking lot and put on personal protective equipment necessary to do my job. On average, I would get on the bus around 6:00am and get dropped off at Motiva around 6:15am. The personal protective equipment included "Fire Retardant Clothing, Safety Glasses, Steel Toe Boots, ear plugs, H2S Monitor, and goggles. I was required to inspect my PPE and get it replaced if necessary. I could not perform my craft without wearing all the required PPE. When I got to Motiva in the mornings, I had all my PPE on, and I was ready to do my job.

At lunch time, we were only given about 10 minutes of uninterrupted time to eat lunch.

I recall making complaints to my foreman about not getting paid for having to be at work early and staying late. I recall hearing my co-workers also making complaints.

Signed 1 day of 7, 2015.

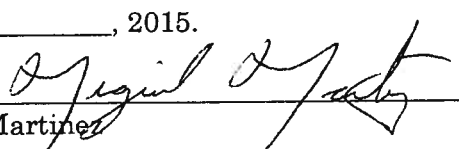

Miguel Martinez

EXHIBIT F

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

MORUA

VS.

CIVIL ACTION NO. 1:13-CV-00375-MAC

COASTAL INDUSTRIAL SERVICES, INC.

DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Custodian of Records for: Motiva Enterprises, LLC c/o CT Corporation System
Records Pertaining To: PERTAINING TO EXHIBIT "A"
Type of Records: Any and all records as described on the attached Exhibit "A".

1. Please state your full name.

Answer: DEBRA M. MESTEMAKER

2. Please state by whom you are employed and the business address.

Answer: EQUILON ENTERPRISES, LLC, 910 LOUISIANA, 19TH FLOOR, HOUSTON, TX 77002

3. What is the title of your position or job?

Answer: RECORDS MANAGEMENT ADVISOR

4. Are these memoranda, reports, records, or data compilations, outlined in the subpoena duces tecum, pertaining to the above-named person, in your custody or subject to your control, supervision or direction?

Answer: YES

5. Are you able to identify these aforementioned records as the originals or true and correct copies of the originals?

Answer: YES

6. Please hand to the Officer taking this deposition copies of the memoranda, reports, records, or data compilations, mentioned in Question No. 4. Have you complied? If not, why?

Answer: NOT APPLICABLE

7. Are the copies which you have handed to the Officer taking this deposition true and correct copies of such memoranda, reports, records, or data compilations.

Answer: NOT APPLICABLE

8. Were such memoranda, reports, records, or data compilations kept in the regular course of business of this facility?

Answer: YES

9. Was it in the regular course of business of this facility for a person with knowledge of the acts, events, conditions, opinion, or diagnoses, recorded to make the record or to transmit information thereof to be included in such record?

Answer: YES

10. Were the entries on these records made at or shortly after the time of the transaction recorded?

Answer: YES

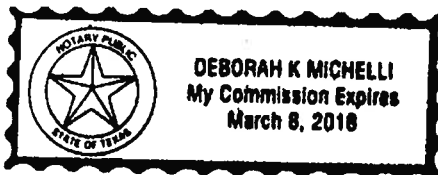
11. Was the method of preparation of these records trustworthy?

Answer: YES

Debra M. Mustard
WITNESS (Custodian of Records)


Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this 5th day of August, 2014.



Deborah K. Michelli
NOTARY PUBLIC


My Commission Expires: 3/8/18

 JACOBS <small>A BECHTEL JACOBS JOINT VENTURE</small>	CRUDE EXPANSION PROJECT SAFETY MANAGEMENT PLAN	Motiva Crude Expansion Project PROJECT No. 25282
Motiva, LLC Port Arthur Refinery Port Arthur, Texas	25282-410-GPP-GHX-00001	Rev. 00A



BECHTEL / JACOBS JOINT VENTURE (JV)

**CRUDE EXPANSION PROJECT
SAFETY MANAGEMENT PLAN**

0	17JUL07	Issue for Approval	AH	MD		TG	SK
REVISION DATE	REASON FOR REVISION	BY	CONTRACTOR		OWNER		
			APPROVERS				
 JACOBS <small>A BECHTEL JACOBS JOINT VENTURE</small>	CRUDE EXPANSION PROJECT SAFETY MANAGEMENT PLAN	JOB NO. 25282					
		DOCUMENT NUMBER				REV.	
		25282-583-GPP-999-00001				00A	
Page 1 of 71							




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1.0 Policy Statement

The foundation of the Motiva Crude Expansion Project (CEP) Environmental, Safety, and Health (ES&H) program is the philosophy of "Beyond Zero". The Motiva CEP team is committed to achieving an incident and injury free culture by aiming not just for zero incidents, but to perform at a level "Beyond Zero". We define performing "Beyond Zero" as achieving positive results in the areas of safety, health and the environment. Positive results are manifested in tangible improvements in areas related to personal well-being, the elimination of at-risk behavior and proactive measures to care for the environment. The JV feels that by striving to be better in these areas we will achieve an incident and injury free culture as a result of these efforts, thus reaching "beyond zero".

The Bechtel/Jacobs JV Project Management Team believes safety can not be viewed as just a priority that can be ranked in a vertical order of importance, but rather it must be looked upon as a VALUE that is inherent in every part of our operation and our personal lives.

The Bechtel/Jacobs JV will not compromise on this value.

2.0 Purpose

The purpose of this ES&H Management Plan is to integrate the Owner's (Motiva LLC.) and the JV partners (Bechtel Corp. and Jacobs) ES&H Management Systems to clearly define the ES&H scope of work, standards, and program elements that will be followed during the project. The plan is a project management and execution tool for the Construction Management Team (CMT) to manage the ES&H process and related activities for the CEP, and to identify the ES&H roles and responsibilities within the project team. It shall be used to:

- Ensure a coordinated and committed approach to ES&H throughout the life of the project.
- Identify the ES&H reporting lines for the project.
- Provide ES&H related direction to ALL subcontract entities engaged in the JV scope of work.
- Develop and implement ES&H project performance metrics.
- Briefly describe those safety processes that will apply for the life of the project.
- Provide specific references to those JV safety processes that apply through the life of the project.


3.0 Scope

This plan is intended to cover the EPC portion of the Motiva Crude Expansion Project (CEP), and will supersede the previous version (Early Works/FED-3) immediately upon release. This document shall be specific to the CEP safety plan in as much as this plan is based upon Bechtel CORE processes, Jacobs' best practices, Motiva safety requirements, and Federal and State regulations. All processes stated in this document will be in effect for the life of the CEP. This document reflects the (minimum) standards that all contractors shall work to, but does not limit the managing JV's right to raise those standards at any time the managing contractor feels that the workers safety will be enhanced through such actions. Changes may be workforce wide or to a specific contractor, all changes will be predicated on the 'need to enhance the safety of the workers'.

4.0 Responsibilities

Through management leadership and employee involvement, the JV will:

- Educate and coach our managers and employees on ES&H requirements and hold them accountable for performance.
- Implement an integrated ES&H management system to identify, assess and manage ES&H risks associated with all JV businesses and projects.

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- Execute work with dedication to eliminating and/or mitigating potential environmental, safety and human health impacts.
- Conduct all of our activities in a manner that accounts for impact to the environment and the safety and health of our workforce and local communities.
- Comply with all applicable state and federal laws, regulations and contract requirements relating to ES&H protection including all JV ES&H standards and Shell's PG-1B, Appendix B and C.
- Develop, maintain and apply an internal set of standards for those areas where ES&H laws and regulations do not exist.
- Promote timely open communications and consultation with employees, customers, partners, governments, government agencies, communities, and subcontractors on ES&H matters.
- Develop and maintain appropriate ES&H metrics to measure and continuously improve ES&H performance.
- Provide resources and training to support environmental, safety, and health protection and achievement of ES&H objectives.
- Require JV subcontractor compliance with the JV ES&H policy and standards.

The JV goals are simply stated - no damage to the environment, no accidents, no harm to people, and no damage to equipment, ever.

The Project Team is committed to:

- The safety of all employees
- Continually reduce accidents, injuries, illnesses, and environmental incidents by taking a proactive approach.
- Consulting, listening and responding openly to our customers, employees, neighbors, public interest groups and those who work with us.
- Work with our partners, suppliers, competitors and regulators to raise the standards of our industry.
- Openly report our performance.
- Recognize those who contribute to improved ES&H performance.
- Accountability by all individuals.
- Develop an environment in which all employees work safely because they want to, not because they have to.

All Employees have the right to:

- A safe place to work.
- Be made aware of ES&H procedures and trained to carry out their tasks.
- Stop the job if conditions are deemed unsafe.
- Thorough investigation of all incidents.
- Have unsafe or negligent behavior at any level addressed.

5.0 Definitions


Active Contract Phase - Period when the contract is active and subcontractor executes work. JV monitors subcontractor compliance to established ES&H standards, and initiates corrective action as required.

At Risk Behavior: The unsafe acts workers perform.

Behavior: An action you can observe.

BZAT: Beyond Zero Accident Team

CECP – JV Construction Environmental Control Plan

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Competent Supervisor – Defined as an individual who by virtue of experience, qualification, and training is capable of safely supervising workers and activities within their area of responsibility.

Competent Worker - Someone who is adequately qualified, suitably trained, and has sufficient experience to safely perform work with only a minimal degree of supervision, and who is aware of the hazards of his/her tasks and the area s/he is working in.

Construction Coordinator – Defined as the individual responsible for supervising the day-to-day execution of the work and ensuring compliance to the project ES&H program.

Contract Administrator – Defined as the individual within JV's management team responsible for supervising and administering a subcontract.

D&A - Drug and Alcohol policy

Drug and/or Alcohol Test - A test to determine the presence of alcohol and/or drugs in the body through breath analysis for Alcohol and a urine sample for drugs.

EMT - Emergency Medical Technician or Paramedic that responds usually in an ambulance to treat, stabilize and transport an injured person.

ERP – Emergency Response Plan

ES&H - Environmental Safety & Health

ESHIA – Company Environmental Socioeconomic and Health Impact Assessment

ES&H - Project Timeline - An implementation plan synchronized with the path of construction which identifies the implementation sequence of activities within the ES&H management system

First Aid Case – An injury or illness that requires one-time treatment and subsequent observation, but does not require further medical treatment.

FLRA – Field Level Risk Assessment: (STARTR, JHA), a checklist that is reviewed by each crew at the work location to identify the hazards related to their work tasks. This is done at the start of the shift and when tasks or conditions are changed.


Guideline – A statement that provides recommendations for execution of a given activity of the management system. Compliance with guidelines is recommended, but not mandatory.

Hazard - An object, physical effect, or condition with the potential to harm people, property or the environment.

Health Risk Assessment (HRA) – A review of health hazards in the workplace to ensure exposures are identified and mitigated (i.e. Welding fumes / respiratory protection)

Incident - An event that could or did result in an injury or illness to people, damage or loss to property, equipment or the environment or interruption to process.

JHA - Job Hazard Analysis: JHA's are conducted for all tasks. These include all field and shop tasks, equipment operations (regardless of size), tasks that new or unusual; have a history of loss; present significant loss exposures to people, property or the environment; have had work plan changes.

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KPI - Key Performance Indicators: A process to facilitate ongoing employee development. Employee performance objectives are developed, communicated and measured. Employees are provided with regular feedback to facilitate continuous improvement.

Line Management – Defined as any member of the JV and subcontractor organizations who direct the work of other employees. For the purpose of this definition, line supervision includes foreman, general foreman, discipline superintendents, area construction managers, construction manager, site manager, project manager, and project director.

Line Supervision - All JV and Subcontractor personnel who have line responsibility for the safety of other employees.

Lost Time Injury – An injury or illness that prevents the worker from returning to work the day after the injury or illness occurs. Lost time continues until the attending physician determines the worker is fit to return to restricted or regular duties.

Medical Treatment Case – An injury or illness case involving treatment (other than first aid) administered by a physician.

Near Miss - An event which, because of circumstance, did not result in an injury or illness to people, damage or loss to property, equipment or the environment or interruption to process.

New Employee - Defined as an employee who has less than 60 days of employment on site.

Observation – Conducted at a peer level with immediate feedback provided stating both safe and at risk behaviors observed.

PAR – Port Arthur Refinery

Path Of Construction - The sequence of construction: e.g., installation of temporary facilities; civil; setting mechanical equipment; setting modules; structural steel; piping; electrical and instrumentation; pre-commissioning; demobilization.

PBS – People Based Safety program is a behavior based safety observation program that focuses on identifying and correcting at risk behaviors at a peer level.

PMT – Project Management Team, consists of home office management and site management personnel.


Policy – Statement of intent from PMT or Construction Management sets the direction and principles for carrying out activities. Compliance with a policy is mandatory.

Post-Contract Phase - When contracted work has been completed and subcontractor performance is evaluated to determine suitability for future work.

Post incident and for cause test – An alcohol and drug test that is requested for cause or after an incident in which alcohol or drugs cannot be ruled out.

Post Incident Review - A review by Project/Site Management of incident investigation results with a primary focus on improvement of ES&H processes to prevent reoccurrence.

Pre access test – an alcohol and drug test that is required prior to signing on at the site.

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Pre-Contract Phase - Period prior to contract award, during which subcontractor is evaluated and verified as being competent to safely deliver quality work within schedule and budget requirements.

Procedures – Written instructions on what to implement, how to implement, who shall implement, and when to implement. Compliance to a procedure is mandatory.

PTW - Permit to Work

Restricted Work Case – Any work related injury or illness that results in a work re-assignment where the employee is unable to perform all of his/her normally assigned duties within their work scope.

RFSU - Ready for Start Up

Safe Behavior: The safe (risk free) acts workers perform.

Safety Absolutes - Site rules for which the site team will accept only uncompromising compliance. Non-compliance to Safety Absolutes will not be tolerated and will be addressed under the project disciplinary action program.

Safety Observation Report (SOR) – A documented, proactive program that engages management in seeking out unsafe acts and/or unsafe conditions and making corrective actions to mitigate the hazard.

Safety Opportunity – A chance for positive intervention to enhance the safety of an activity, condition, or situation before it becomes an incident.

Visitor - Any non-project employee who has occasion to visit the worksite (includes company employees not assigned to the worksite, vendors, delivery personnel, representatives of regulatory agencies, members of police services, etc).

Work Practice – Written guidelines on how a job is typically executed. Compliance with work practices is recommended, but not mandatory.

6.0 Basis for the Safety Management Plan

The project will comply with Motiva Port Arthur Refinery (PAR) Guidelines, all regulatory agencies, OHSAS-18001 and Shell Program Guide 1B.


Compliance also extends to the Bechtel Core / SWPP processes, and the Jacobs best practices.

Those safe work processes listed here in have been determined to be the most stringent standard of the 3 safety processes so far reviewed, being Motiva safe work processes, Bechtel Core processes and Jacobs safe work processes.

7.0 Management Review

JV CEP Construction Project Manager will ensure that a regular review is conducted of the effectiveness of the ES&H Management Plan for Construction in achieving the project objectives in addition to the performance standards set at the start of construction. The review can form part of the regular Project Safety Steering Committee meeting.

8.0 LEADERSHIP

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8.1 General

The JV is responsible to ensure that all employers including subcontractors engaged on the Motiva Crude Expansion Project will comply with federal, state, and local laws. The JV is committed to construction excellence through superior management strategies, which recognize the health and safety of workers, as well as the protection of the environment, property and the public as a value in the design, planning and execution of the work.

8.2 Responsibilities

ES&H is a line responsibility, requiring leadership and active participation by all managers, supervisors and employees. The JV Project Director is ultimately accountable for all activities on the project. Through this leadership and involvement, JV will:

- Educate and coach managers and employees on ES&H requirements and hold them accountable for compliance.
- Implement an integrated ES&H management system to identify, assess and manage ES&H risks associated with our businesses and projects.
- Perform our work with dedication to eliminating and/or mitigating potential environmental, safety and human health impacts.
- Conduct all of our activities in a manner that accounts for impact to the environment and the safety and health of our workforce and local communities.
- Comply with all applicable laws, regulations and contract requirements relating to ES&H protection including all JV ES&H standards.
- Develop, maintain and apply standards where ES&H protections do not exist.
- Promote timely open communications and consultation with employees, customers, partners, governments, government agencies, communities, and contractors on ES&H matters.
- Develop and maintain appropriate ES&H metrics to measure and continuously improve ES&H performance.
- Provide resources and training to support environmental, safety, and health protection and achievement of ES&H objectives.
- Require JV (sub) contractor compliance with our ES&H policy and standards.

The JV has a responsibility to select those Contractor's who can deliver quality work that sustains project ES&H expectations.


Each Contractor working on the project is accountable to ensure their work is performed in a manner that meets or exceeds federal, state, local, and site specific ES&H legislation and processes. ***To achieve this goal, all personnel are to review and understand their individual responsibilities and comply with all ES&H standards set forth in this document.***

8.3 ES&H Performance Goals & Objectives

All JV CEP team members are committed to safety in the workplace and off the job. We believe that all accidents, incidents and injuries are preventable. We will work together as a single team to deliver a project executed with excellence in all aspects of workplace safety, industrial health, security and environmental responsibility. Reaching a state of "Beyond Zero" is the project goal. Achieving it will require constant commitment and awareness, training, focus on behaviors, and accountability by each individual.

Our objective is to maintain a proactive and prevention-based ES&H program that results in the project being recognized as exemplary and each participating company as a leader in the EPC market.

The policy statement and ES&H objectives will be communicated to everyone on the project during the on-site safety induction training program and it will be prominently displayed at the site.

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Our ES&H Program is a continuous improvement process, defining compliance with the CEP Safety Management Plan as well as governmental rules and regulations as a minimum requirement. The implementation of systems that incorporates Motiva, JV partnership, subcontractors and employee participation results in the growth and achievement of our goals as well as providing a safe workplace in which all project employees can excel.

The following principles will guide the collective project team in all project activities:

- People are our most important asset.
- Safety is everyone's responsibility.
- We will meet Motiva ES&H expectations and project safety requirements.
- Craft Employees will be evaluated to ensure competencies
- Management has the responsibility to train employees to work safely and to develop a "Beyond Zero Accident" culture.
- Working safely is a condition of employment.
- All tasks must be planned and performed with a concern for safety.
- Working safely makes financial sense.
- The project team will commit to implement the JV People Based Safety Process.

The JV PMT believes safety can no longer be viewed as a priority that can be ranked in a vertical order of importance, but must be looked upon as a **VALUE** that is inherent in every part of our operation. Furthermore, we believe our most important assets are the people who perform the work and nothing is more important than providing a safe and healthful workplace.

We are convinced that through a dedicated commitment to Safety by Motiva, JV, Subcontractors, and all Employees, reaching Beyond Zero is an achievable goal.

Crude Expansion Project Statistical ES&H Goals:

Goal 1 – The project will provide a safe work place.

This goal will be measured by monitoring work place injury / illness statistics.


	<u>Motiva CEP</u>
Environmental Releases or Spills	0.00
OSHA Recordable Frequency Rate	0.00
Total Lost Time Incident Rate (LTIR)	0.00
Major Security Events	0.00

Goal 2 – Project activities will be conducted in an environmentally responsible manner as outlined in the CECP. This goal will be measured by monitoring implementation of the control and mitigation measures identified in the CECP.

Goal 3 – Adverse impacts to the health of project personnel will be minimized.
This goal will be measured by monitoring work related illnesses affecting project personnel.

Goal 4 – The project will implement an effective ES&H Management System.
This goal will be measured by completion of the following activities:

- ES&H performance / capability in subcontractor selection criteria
- ES&H audits of sub-contractors
- Defined ES&H Project Performance Incentives
- Continuous Review & Monitoring of Project ES&H Performance
- An ES&H Awareness Campaign
- An ES&H Training & Education Program

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- Action Tracking Database / Reporting
- An Incident Reporting Database, that is used to report and prompt investigation of all Incidents and Near-Misses
- An ES&H Near Miss and Hazard Observation Program
- ES&H Leadership & Commitment from Project Management through:
 - Meeting attendance by % attended
 - ES&H Briefings
 - ES&H Reviews / Inspections
 - Application of the Project ES&H Self Assessment Tool

ES&H Key Performance Indicators

- The Joint Venture ES&H department will be tracking and reporting metrics to support leading indicators for safety and health performance. The ES&H department is targeting five areas for action:

The targeted reporting of not only quantity but point of origin for the behavior based safety program allows specific actions to be taken dependant on which leading indicator is trending negatively. The JV ES&H department will be positioned to identify and address the population involved in the negative trend and provide measurable data to support actions.

Focus Area	KPI	Data Source / Frequency	Calculation Method	Project Target
Safety Performance	% participation in stretching program	daily	Total number of individual participants	95%
Behavior	SOR/PBS Reports vs. construction job-hours	monthly	Total number of reports received vs. monthly accumulated hours	
	Ratio of SOR/PBS reports between Construction and ESH	Weekly	Total number sorted by Observer orientation	2 to 1
	Ratio of SOR/PBS reports to First Aid cases	Monthly	totals	
Behavior	Ratio of SOR/PBS reports within construction	Monthly	Total number of construction supervision vs. craft personnel	

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8.4 Incident and Injury Free (IIF)

The IIF and PBS programs are aimed at changing peoples at risk behaviors by modifying the way they look at safety. The programs are aimed at developing attitudes and a culture that encourage people to look at safety in a positive and personal manner and a culture that discourages risk taking.

Methods to communicate JV's 100% Safe, Beyond Zero Incident philosophy include job site signs, safety banners/posters, safety meetings, IIF orientation, Safety Leadership Workshops, and People Based Safety program will be used in conjunction with the Incident and Injury Free tenants of operation to promote the JV's philosophy that no injury or incident is acceptable.

8.5 Safety Incentive Program

The project incentive program for safety performance is being developed as a joint effort between the JV leadership and the Client (Motiva LLC.).

8.6 Suspension of Work Policy

Employee:

JV and subcontractors have an obligation to their employees to ensure that workplace hazards are identified and addressed.

If a situation arises where conditions change or where a work area becomes a potential for imminent danger any employee has the right to intervene and stop/pause the activity or refuse to carry out the work.

Upon being notified the supervisor will :

- Investigate the incident, and take action to eliminate the danger
- Ensure no work on this task continues until the investigation is complete.
- Additionally the supervisor is to ensure that no other employee performs the job unless the danger has been eliminated (Site ES&H Manager is to be involved in this process)
- Make a written report and forward copies of the report to the employee, the respective ES&H Manager, and Construction Manager.
- If the claim requires further investigation and time to resolve, the Site ES&H Manager must be advised and copied on the report.

When the hazard has been identified and the problem rectified the work may proceed.

No disciplinary action may be taken against an employee who has exercised his or her rights under this policy.


The employee who gave the notification may be assigned to another job during the investigation, providing there is no reduction of pay. This will not be deemed disciplinary action for the purposes of this policy.

8.7 Resource Documents

JV Core Process 101, ES&H Responsibilities

JV Core Process 300 Series

JV Core Process 400 Series

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9.0 RESPONSIBILITIES

9.1 General

The following responsibilities apply to all levels of supervision and management employed by JV and all subcontractors on the Motiva CEP Project.

9.2 ES&H Ownership & Management Responsibility

- The JV will hold JV and subcontractor line management accountable for ES&H performance.
- JV subcontractors are responsible for flowing down ES&H requirements and responsibilities to their sub tiers management.
- All personnel are ultimately responsible for their own safety by complying with and enforcing legislative, company, and industry standards as well as by reporting all unsafe acts and conditions to line supervisors.
- Line supervisors are responsible and accountable for taking immediate action to mitigate these issues.

9.3 JV Construction Management Team (CMT), CEP Roles & Responsibilities

The following descriptions outline the ES&H responsibilities for all levels of supervision employed by JV, contractors and the management team on the Motiva CEP Project.

9.3.1 JV Project Director

The JV Project Director is the Senior Manager ultimately responsible and accountable for all JV EPC Execution. The JV Project Director will:


- Create an overall EPC Project culture and communicate a vision where ES&H considerations are integrated and are given management attention equal to cost, quality and schedule.
- Hold the Project Team accountable for ES&H performance through on going review of management system effectiveness.
- Provide the physical and financial resources and management support necessary to carry out ES&H Management System requirements.
- Lead the effort to establish Project ES&H objectives and expectations.

The JV Project Director delegates his responsibilities and authority for all ES&H activities at site to the Construction Site Manager

9.3.2 JV Construction Site Manager

The JV Construction Site Manager is ultimately responsible and accountable for all site activities including ES&H. The Construction Site Manager will:

- Create a safety culture at site where ES&H considerations are integrated and are given management attention equal to cost, quality and schedule.
- Hold the Site Team accountable for ES&H performance.
- Provide the necessary site resources and management support necessary to carry out ES&H Management System requirements.
- Clearly and visibly communicate ES&H goals and expectations to all Site Team Members.
- Be a champion and support all aspects of the Safety Management Plan.
- Be a champion and support the Incident and Injury Free Tenants of Operation.
- Nurture and build a Zero Incident Safety Culture on site where incidents are an unacceptable consequence of performing work.

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- Lead by positive example
- Communicate personally with direct reports on ES&H related to their area of responsibility.
- Create a Site culture that embraces continuous ES&H improvement.
- Participate actively in ES&H promotional activities.
- Include ES&H Management in the performance evaluation criterion for line supervisors as well as subcontractors.
- Establish a process to communicate and measure employee performance against identified ES&H goals and objectives.
- Set ES&H goals and monitor performance against goals.

9.3.3 JV Construction Operations Managers

Accident prevention through pro-active safety measures is the personal responsibility of the JV Construction Operations Managers. These managers will:

- Be responsible for oversight and assurance of all Joint Venture (JV) Construction Activities in the Areas under his purview
- Additionally he will be responsible for ES&H, Quality, Schedule, Budgetary Adherence, and personnel in the work Areas under his purview.
- Provide the necessary motivation to implement, monitor for effectiveness, and fully endorse an effective Beyond Zero Accident program.
- They will delegate areas of special responsibility for the detailed activities needed to carry out the ES&H objectives of the CEP safety program.
- They are responsible for ensuring that all construction activities are completed in accordance with the project ES&H objectives and that all of their line management is suitably competent and trained to perform the same.
- They will maintain a high visibility for ES&H related processes both in the field and in the office.

9.3.4 JV Construction Area Managers


The JV Construction Area Managers directly supervise the activities of the JV Field Supervisors, employees, subcontractors, and the selection of the actual sequence and schedule of construction. They will:

- Be responsible for direction of all Joint Venture (JV) Construction Activities in his area of responsibility.
- Additionally he is responsible for ES&H, Quality, Schedule, Budgetary Adherence, and personnel in the work area.
- Be thoroughly familiar with the JV CEP Safety Procedures, CEP Safety Management Plan, CEP Environmental Plan, emergency and evacuation procedures, and any other relevant safety program.
- Conduct at least one safety walk per week with the ES&H Rep for their area.
- They are responsible for initiating investigations for incidents / injuries and ensuring that all subcontractor equipment that is brought on site is inspected and safe for construction use.


9.3.5 JV ES&H Project Manager

The JV ES&H Manager will advise the JV Project Manager, Construction Managers, and Craft Supervisors as to ways in which the project safety program can best be implemented and carried out. He/she reports directly to the JV Project Manager. He will:

- Be responsible for coordinating the Project ES&H Program with the JV Project Safety Specialists and all subcontractors on the project.

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- Be responsible for ensuring all ES&H activities on site are in accordance with this JV ES&H Management Plan.
- Function as the ES&H liaison between the client and CEP subcontractor companies.
- Be responsible for assuring that all medical resources are in accordance with project requirements.
- Ensure that all Emergency Response Planning is in accordance with site and project requirements.

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9.3.6 JV ES&H Operations Manager

The JV ES&H Operations Manager will:

- Be proactively involved in providing guidance to the construction staff, subcontractors, vendors, and visitors on site to comply with CEP ES&H requirements
- Ensure that CEP construction activities comply with all Motiva standards.
- Be responsible for ES&H training / inductions ongoing awareness training, and hazard identification.
- He will ensure that Pre-job Hazard Analysis, Job Safety Analysis and the approved work permitting system are carried out to support CEP construction activities.
- He completes and distributes project incident reports, participates in investigations, and reports on site ES&H statistics to management.
- Support the area unit EH&S Leads and provide guidance to the construction operations managers.

9.3.7 JV ES&H Supervisors

The JV ES&H Supervisors will:


- To ensure the ES&H practices on site are carried out in accordance with the Motiva / CEP policies and guidelines.
- To participate in daily and weekly safety inspections of the CEP subcontractors.
- To participate in daily and weekly hygiene and health inspections of the CEP subcontractors.
- To attend, monitor and assist in toolbox talks with employees and front line supervisors. To gain participation from the subcontractors in conducting toolbox talks and ES&H training.
- To attend site safety meetings and disseminate investigation findings to the craft supervisors on site.
- To assist in ES&H training at site.
- To assist in incident and accident investigations.
- To assist and monitor JHA's, risk assessments, and STARRT reviews.
- To work with the environmental manager or designee to ensure all sites meet the environmental objectives.
- To monitor and assist in vehicle and tool inspections.
- Reports to the JV ES&H Site Manager.

9.3.8 JV Construction Field Staff / Supervision

JV Field Supervisors shall be responsible for thoroughly instructing employees in the safe work practices applicable to their work and in enforcing all safety requirements. They will act positively to eliminate hazards and unsafe acts.

Field Supervisors Will:

- Treat employees with dignity and respect.
- Support this safety program as presented.
- Be proactive in keeping safety regulations from being circumvented.
- Observe project personal work habits and take prompt action whenever violations are noted.
- Conduct weekly safety meetings and daily tailgate meetings.
- Never combine safety toolbox meetings with other business.
- Plan safety into every task before work has begun (pre-job hazard review)

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- When accidents or near miss incidents that occur involving employees under their direction, they will diligently investigate for cause and proper correction to prevent reoccurrence.
- Notify the safety department immediately upon knowledge of any injury or near miss incident.
- They shall act as ambassadors for safety and shall continuously participate in the ES&H program through their daily routine observations for unsafe acts. They shall participate in JHA reviews as required.

9.3.9 Partner Subcontractor Field Staff & Supervision

Partner Subcontractor Management reports to and is accountable to the JV Construction Management Team. Each partner subcontractor member shall at all times comply with, and ensure that its employees, agents and lower tier subcontractors comply with all CEP ES&H Program rules and regulations. Specifically, partner subcontractors shall comply with applicable provisions of the following:

- CEP Safety Management Plan
- Motiva PAR Safety Procedures

Partner Subcontractors will:

- Clearly designate an onsite ES&H Rep. who will be responsible for overall safety.
- Subcontractors will provide minimum of one full time ES&H Rep. prior to mobilizing to the field to commence work, and at 50 to 1 ratio add an additional full time ES&H professional.
- Ensure that additional safety ES&H Rep. shall be added for every 100 workers added to the work force.

NOTE: Staffing includes all lower tier subcontractors that are used by partner Subcontractors. Furthermore, the JV reserves the right to reject subcontractor ES&H personnel based on a review of the candidates credentials and/or observed performance. The JV reserves the right, based on safety performance, to assign a JV ES&H Rep to a subcontractor staff at the expense of the subcontractor.

Subcontractor Management is responsible for enforcing their company's Safety Policies in addition to the requirements of this Project ES&H Safety Management Plan, including:

- Timely and accurate reporting of workforce safety performance.
- Conflicts in the programs will be immediately brought to the attention of the JV Construction Management Team so that they may be resolved.


Each partner subcontractor manager is responsible, and will:

- Be held accountable, for the safety of the work crews
- For ensuring that all equipment, materials, tools and procedures are in compliance with job site requirements.

NOTE: All Subcontractors, by agreeing by contract to perform work stated as the Port Arthur refinery expansion under the direction of the JV agrees to fully support and participate in the project safety management plan, and all its processes, programs and activities.

This includes but is not limited to, PBS program, JHA, STARRT program, Re STARRT program, BZAT, Joint walk through, Audits, construction safety training, etc.

- Hold supervisors accountable for safety and actively promote safe work performance on the part of all employees.

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- Participate in and comply with the JV CEP Safety Management Plan implemented on the Project to meet the safety objectives of the project. (See above statement.)
- Provide timely reporting of safety statistics and incidents
- Maintain information regarding training and education in safety required by the SMP.
- Unsafe work (acts and/or conditions) will be immediately halted until corrective action is taken.
- Partner subcontractor managers will designate safety supervisors to administer the program and ensure that regular inspections of the work area for safety hazards are conducted.

9.3.10 Employees and Workforce

Employees and Workforce:

- Every employee will report for work Drug and Alcohol free, fit for duty, and perform their job according to established safe practices.
- Make safety a part of their job by following safety rules, regulations, and by using all safeguards and safety equipment provided.
- Are expected wear or use approved protective equipment/ clothing when required to do so.
- Will take an active part as outlined in the JV Project ES&H Management Plan to ensure their own safety and injury-free employment as well as being alert to unsafe practices of their fellow employees.
- Report and correct any hazardous conditions, practices or behaviors in their work areas.
- All employees are invited to make suggestions for safety improvements on the job site.
- Each employee is expected to comply with these requirements.
- Employees are responsible for active participation in project safety and health programs, suggestion systems, and training activities.
- Employees are to immediately report all injuries, any unsafe practices or conditions, or any evidence of impaired health occurring in the course of the work to their supervisor and the JV CEP Safety Department.

NOTE: All employees must be prepared in the event of an unforeseen hazard to exercise the reasonable caution and leadership appropriate to the situation.

9.3.11 Vendors & Suppliers


Shall at all times:

- Comply with and ensure that its employees and agents comply with all site safety rules and regulations. Specifically, with applicable provisions of the JV Project Safety Management Plan, the requirements of Motiva, the CEP safety and health rules, and all statutory safety rules and regulations.

10.0 ORIENTATION, TRAINING & DEVELOPMENT

10.1 General

Safety education and training of personnel is a major loss prevention component. All training required must be provided and documented as specified by the Motiva PAR SHE0081 - Requirements for Contractor Evaluation, Selection and Work Performance Monitoring. The CEP CMT will audit subcontractors' training and related documentation to assure its adequacy.

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Subcontractors are responsible for providing safety and health training for their employees. In those special cases where training is provided by Motiva / CEP or Contracting personnel to Subcontractor personnel, the CEP CMT will ensure that it is comprehensive and documented with a summary of the training provided to Motiva for inclusion in the subcontractor's file. The CEP ES&H Department will assist with defining requirements when requested.

Contract employees working at PAR must receive annual safety training and site-specific training by the Industrial Safety Training Council (ISTC) or reciprocal safety council. The OSHA Process Safety Management (PSM) Standard requires Subcontractors "performing work on or adjacent to a covered process" be informed of "known potential fire, explosion, or toxic release hazards related to the Subcontractor's work and the process" and the "applicable provisions of the emergency action plan".

This instruction applies to Subcontractors performing maintenance, repair, turnaround, major renovation, or specialty work on or adjacent to a process covered by the OSHA PSM Standard. It does not apply to Subcontractors providing incidental services which do not influence process safety, such as janitorial work, food and drink services, laundry, delivery or other supply services. The training will inform the contract employees of the known potential fire, explosion, or toxic release hazards at PAR and the applicable provisions of the Emergency Response/Action Plan.

Contract employees must pass a written test at the time of the ISTC training to confirm that they understood the information they received.

ISTC will issue an identification badge to contract employees who pass the written test. The contract employees must present this badge for admittance at the refinery gate and must have this badge with them at all times when on PAR property.

Training of contract employees' equivalent to safety council training on hazards and emergency response may be given by qualified instructors at PAR in special cases approved in advance by the PAR Manager Health, Safety and Security or his/her delegated replacement.

All Contractors, subcontractors, suppliers, delivery, manufacturers' representatives and all other persons entering Motiva Enterprises PAR must be trained or oriented to the work-site according to Motiva PAR Contractor Training Requirements.

10.2 Responsibilities


Site Manager is responsible to provide the personnel, facilities and other resources necessary to effectively accomplish ES&H training objectives:

Line Management is responsible to:

- Assess employee competence and assign individuals to tasks within their skill and qualification level;
- Know the training requirements for employees within area of responsibility;
- Ensure employees who require task-specific training receive the required training;
- Assign longer term employees to work with new employees.

Site ES&H Manager is responsible to:

- Develop a project ES&H training matrix
- Maintain a record of ES&H training delivered by the ACJV
- Audit compliance to the training matrix
- Monitor effectiveness of training/education and feedback result to the Construction Director

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Subcontractor Senior Manager is responsible to:

- Comply with project training requirements
- Maintain a record of internal training delivered by the contractor
- Deliver required supervisory or management ES&H training

Employees are responsible to:

- Actively participate in project sponsored training sessions.
- Advise their supervisors if asked to perform a task for which they are not qualified.

10.3 Training Requirements

10.3.1 Minimum Training Requirements for Work at PAR

Subcontractors must have a process to ensure the specific safety education of Subcontractor supervisors and employees, as applicable to work being performed by the employee or other employees they supervise. Examples of training include:

- Supervisor Safety Training
- Blood borne Pathogens
- Construction Non-destructive Testing
- Barricades and Signs
- Floor and Wall Openings
- Excavations & Trenching
- Portable Ladders – Control & Inspection
- Suspended Personnel Platforms
- Fork Lifts and Power Industrial Trucks
- Aerial Lifts
- Hazard Communication Standard Training
- Permit Systems Training
- Personal Protection Equipment Training
- Emergency Response Training
- Excavation Training
- Respiratory Protection Training
- Known Potential Hazards
- Other as deemed necessary by the CEP and Motiva Enterprises PAR

10.3.2 JV Training Requirements


All personnel (where applicable due to scope of work) shall complete JV training in the following areas:

- Lock-out/Tag-out
- Confined Space Entry
- Fall Protection/Prevention
- Scaffold User
- JHA development and use training

10.3.3 The Crude Expansion Project Site Specific Safety Induction Program

All employees and subcontractor employees are trained before they start work in construction and/or commissioning. The induction program shall include:

- Project HSE policies and objectives
- Site HSE and security rules
- Common construction HSE hazards and precautions
- General health issues, e.g. smoking and substance abuse
- Owner's site specific rules and regulations

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- Reporting of incidents
- First aid and emergency procedures
- Health risks of the region and the personal hygiene measures to be adopted
- Any relevant environmental and social issues and legal requirements

The induction program shall make maximum use of visual aids, demonstrations and examples from the site, to keep the attention of the employees, and shall be followed by a test for verification of understanding.

10.3.4 Employer Process Safety Management (PSM) Instructions to JV and Subcontractor employees

The JV will inform all JV and subcontractor employees of the following:


- All necessary safe work practices and train each contract employee in the work practices necessary to safely perform his/her job. Such work practices must, at a minimum, meet or exceed OSHA requirements and similar PAR and JV safety rules.
- The known potential fire, explosion, or toxic release hazards related to his/her job and the process and the applicable provisions of the emergency action plan.
- The subcontract employer shall document that each contract employee has received and understood the training required by this standard procedure. The subcontract employer's record shall contain the identity of the contract employee, the date of training, the means used to verify that the employee understood the training, and name of person conducting the training. The records shall be maintained during the term of the contract and for five years after the date that the term of the contract ends.
- The subcontract employer shall assure that each subcontract employee's work performance follows all JV safe work practices and the PAR safety rules, including the procedure for control of access to process areas given in Procedure GEN0031.
- The subcontract employer shall advise the designated JV representative of any unique hazards presented by the Subcontractor's work, or of any hazards found during the Subcontractor's work or while performing the Subcontractor's work.

10.3.5 Safety Leadership Workshop (SLW)

All JV and subcontractor line supervisors will receive Safety Leadership training defining their supervisory responsibilities. This training will help the new supervisor to define their ES&H roles and responsibilities as well as understand their personal responsibility to be a leader by promoting the 100% Safe Culture.

In addition, a formalized supervisory questionnaire / process will be used to assess a prospective supervisor's qualification prior to promotion and assignment of duties.

SLW training will be given within the first 90 days of the assignment but all supervisors will be required to review and sign off on the Motiva CEP Safety Management Plan prior to starting work as a line supervisor.

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Safety Leadership Training topics include:

- Introduction
- Leadership Qualities
- Roles and Responsibilities
- Zero Incidents
- ES&H Culture
- Impacts of Accidents
- Cause and Effect
- A (activators) B (behaviors) C (consequences)
- Process Overview (Project Management)
- Process Overview (Supervision)
- People Based Safety
- Communications
- Expectations
- Personal Action Plan
- Summary

10.3.6 Skill/Task Specific Training

Appropriate training is given to ensure that a jobholder either supervisor or worker is competent to do his job safely.

CEP Subcontractors shall ensure that such training is completed. All training information, records, and certificates will be properly documented and made available for verification.


The attitude of employees toward accident prevention depends a great deal upon the attitude of the supervisor. The supervisor will take an active interest in the new worker, ensuring that the necessary safety information has been provided and that the new worker is adjusting well to the job. The focus of our behavior-based program and beyond zero will be toward the attitudes of the Subcontractors foremen and supervisors.

10.3.7 People Based Safety Training (PBS)

The project will utilize a PBS safety observation program at the field employee level for Motiva and CEP Partner Subcontractors. Workers will be trained so that they understand the objective of the process and can develop safety observation skills.

This program teaches employees how to observe and recognize unsafe behaviors and enables them to systematically change unsafe work habits into safe work habits. To be effective this program must be approached in a positive rather than a "policing" manner, with the intent of building individual commitment to safety among all employees.

Employees will be selected to participate in the safety observation program on a weekly basis. Refer to Section 11 for a more detailed description of the IIF program.

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10.3.8 Safety Observation Report (SOR)

The SOR is a proactive tool designed to identify, document, and to ensure that unsafe acts and unsafe conditions in the work environment are continuously sought out by employees, Supervision, and ES&H Personnel. ES&H is everyone's responsibility, which requires that all site personnel continually strive to identify conditions, which may be detrimental to employee health and safety. Once identification of deficiencies or detriments is made, positive action must be taken to eliminate such deficiencies. The SOR is a report document, which allows any site employee to record observed ES&H deficiencies and identify the cause so that corrective action can be taken. Some of the causes identified through the SOR process are lack of resources (time, material, and personnel), lack of training, lack of belief, etc. Identifying such causes for deficiencies enables the Joint Venture to direct attention at eliminating the causes.

Supervisors are not the only ones involved in the SOR process. ES&H personnel are continuously seeking unsafe acts and conditions. SORs allow ES&H personnel to document their findings and address them with appropriate supervisory personnel for corrective action. Since ES&H is a line management function and supervisory personnel as a rule outnumber ES&H personnel, a definite correlation can be determined by measuring the number of Supervisor SORs and ES&H Personnel SORs. When the number of ES&H personnel SORs is greater than the Supervisor's, it can easily be determined that the outnumbered ES&H Personnel are driving the ES&H process and Supervision has not established the required level of "ownership" and daily involvement.

This measurement reveals that Supervisors may be lacking in training or belief in the ES&H process. However, when the numbers are reversed on a 3:1 to 4:1 ratio of Supervisors SORs to ES&H Personnel SORs, it indicates that ownership of the ES&H program by Supervision has begun.

The SOR process benefits the overall ES&H program by identifying unsafe acts and conditions on a continuous basis, thus allowing for corrective actions to be taken before an accident occurs. It also serves as an excellent tool for assessing the health and safety program, and incorporating improvements to strengthen any weaknesses observed. S&H program assessment is a requirement of OSHA and this tool allows for one of several compliance measures. One excellent indicator of the SOR, as mentioned above, is that it illustrates a level of ownership of the S&H program by employees and Supervision.


10.4 Training Compliance Monitoring

The ES&H department will establish and maintain a training database that will track the following:

- Training provided
- To whom
- Training date
- When refresher training is required

Compliance will be monitored through spot checks (i.e. verifying that individuals have received the training they were required to receive).

The Site ES&H Manager will monitor and assess the training sessions on a regular basis to insure the quality and content of the training being delivered. It will be their responsibility to advise the trainers on areas requiring improvement.

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10.5 Training Documentation Requirements

Attendance lists for the training courses will be filed as part of the project record.

Training records will be maintained on file by the ES&H department for the duration of the project and archived at project completion.

Training assessments conducted by the Site ES&H will be documented and maintained on file for the duration of the project.

10.6 Resource Documents

JV Core Process 102 Orientation Training and Development, Rev 2

JV Core Process 109 People Based Safety Process, Rev 2

Incident / Injury Free

10.7 Continual Education

Re-orientation and re-education of personnel may be required due to:

- Regulatory changes
- Special requirements established by the Project.
- Changes in working conditions or the overall working environment.
- The need to keep long-term project-assigned personnel current with regard to ES&H Requirements, annual refresher orientations will be conducted for long term employees.
- Absence from the project for 6 months or longer.

10.8 Attachments

Project Training Matrix

Visitor Orientation Training Checklist

11.0 PROJECT DEVELOPMENT AND PLANNING PROCESS

11.1 General


The ES&H Management plan contains the ES&H policy, defines roles and responsibilities for management and supervision, outlines practices and procedures, contractor requirements, and job hazard analysis guidelines.

It will also include requirements for orientation and training, hazard identification, site inspections, action tracking, audits, management system audits, safe work procedures, personal protective equipment requirements, material handling, traffic issues, transportation, infrastructure, fall protection, transition to commissioning & operations and other core processes.

Each contractor engaged in CEP scope and managed by the JV will be required to follow the JV ES&H Management plan at a minimum. If contractor safety procedures and practices exceed those of the JV, the contractor is expected to communicate the differences and work to the most stringent standard.

11.2 Responsibilities

The ES&H Program will evolve as ES&H risks change throughout the Project stages. The program will be implemented in accordance with the continuous improvement philosophy. Project management will review all aspects of the ES&H program on a regular basis and assess its applicability, effectiveness, and areas for improvements.

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11.3 Project Initiation & Closure

Initiation

The ES&H Management Plan is developed inline with the JV's Core Process CP103 & CP115 to guide the PMT in project ES&H initiation efforts. An ES&H timeline has been developed for the project identifying ES&H milestones to be included in the Project Milestone schedule.

Core Process CP 115 Exhibit A project startup checklist will be initiated by the Site ES&H Manager and reviewed weekly with the Site Manager.

Closure

The balance of work review is the final 90-day review. The focus is on project completion and the need to address hazards and risks associated with unit/system start up and ensure that adequate consideration is given to the risks associated with the changing work environment.

11.4 Hazard Assessment & Control

11.4.1 Flawless Start-Up Initiative (FSI)

In today's challenging business environment, the importance of planning for a flawless, "right first time" commissioning and start-up phase of a new project is self-evident:

- Minimize capital and operational costs in order to maximize profits.
- Increase plant availability and reliability during first-cycle of operation.
- Reduce the time taken to achieve 'optimal' operations.


These challenges demand improvements in both organizational and management effectiveness from the outset of the project through to the end of the project life cycle of the process unit. Indeed, this indicates that a project needs to adopt the paradigm, that project success is only indicated by successful commercial first cycle operation and not mechanical completion.

The objective of the Flawless Start-up Initiative (FSI) is to ensure a successful commissioning, start-up and first cycle operation of the facility by providing more than 99.9 % of the functionality on demand and ultimately reducing risk and losses to an acceptable level.

Risk or flaw mitigation is one important process of the initiative. The process aims to identify the potential risks to the FSI objective and develop corrective actions to mitigate these flaws and reduce their negative impact upon the success of a project. A systematic approach is used to identify, assess and address the risks during the design, engineering, procurement and implementation phase of a project. Risk mitigation may be in the form of:

- Design/technical improvements.
- Improved design standards.
- Improved work practices.
- Organizational i.e. reallocation of responsibilities.
- Implementing training for improving competency.
- Improved information and data.
- Setting up a practical alternative course of action should the risk event materialize.

11.4.2 ES&H Risk Management

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Attached, as required by SGS Program Guide 1B, Appendix B, section 5.1 is an assessment of the HSE risks for the various types of construction activities (Attachment C). Risk Assessment Ratings have been assigned for various hazards for each job for each type of work. The Shell Group Risk Assessment Matrix Yellow Guide (March 2006) was used in determining the RAM Rating in each case. Controls in place have been noted for each job hazard. Where normal procedures and controls are expected to be inadequate to control the hazard the requirement for a Job Hazard Analysis has been noted.

Joint teams of line engineers/supervisors and ES&H specialists of JV and subcontractors carried out these risk assessments. The output will be made readily available to line engineers and supervisors, as a basis for supervision and monitoring. Job hazard analyses shall be prepared by the subcontractor, approved by JV, and by Motiva's Project Team in case of high risk work as determined by the risk assessment.

The identified hazards and controls in the JHA shall be communicated to the work team via daily Work Team meetings.

These Work Team meetings should apply techniques such as:

- Three what's (What can go wrong? What can cause it to go wrong? What can be done to prevent it going wrong?)
- Take Five (Take 5 minutes on-site to think about the hazards before starting the work)

11.4.3 Health Risk Assessments (Required by PG-1B, Appendix C, 1.1)

A Health Risk Assessment (HRA) of all construction activities has been conducted. It included chemical, physical, biological, ergonomic and psychological health hazards associated with work at the construction site having risks assessed as Medium or High on the Risk Assessment Matrix. Control measures were identified and documented. The selection of controls took into account the control hierarchy, i.e. Elimination, Substitution, Engineering, Procedural and lastly Personal Protective Equipment.

Construction staff will be trained in the nature of the health hazards and specified controls.

Documentation of this HRA resides in the Motiva CTS HRA database.

11.4.4 Impact Assessment Action Items (Required by PG-1B, Appendix C, 1.3)


The JV will coordinate with Motiva CEP to fulfill all actions arising from the environment and social and health assessments, and monitor potential impacts during construction and commissioning.

11.4.5 Human Factors Engineering (Required by PG-1B, Appendix C, 1.4)

A Human Factors Engineering Plan for the project has been developed. The plan resides in the project Basic Design package BDP-02-E-05.

The objective of the Human Factors Engineering Plan for the Construction Phase is to ensure that the operational and maintenance ergonomics criteria stipulated during the engineering phases are satisfied. In particular, however, the Plan is intended to prevent field run items from being incorrectly situated.

11.4.6 Job Hazard Analysis

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Safety Task Analysis Risk Reduction Talk (STARTR) and Job Hazard Analysis (JHA) process will be used in accordance with the ES&H Core Process 105, STARTR and JHA Process, to identify and control jobsite hazards. Procedures shall identify all operations and activities associated with identified risks where control measures are required. The activities shall be planned so that they are carried out under specified conditions to control the risks.

JV and all Project contractors shall perform a JHA for all construction tasks. Initial JHA development will occur during constructability reviews and then be incorporated as part of the field work packages. The JHA process will assess the phases of each task to ensure that the environmental, safety and health risk posed by the task are as low as reasonably possible. When developing the JHA the following shall be considered as a minimum:

- Sequential steps of the task including prior-to, during, and/or after the task.
- Hazards and risks posed by the task to people performing the task and to third parties.
- The need for Personal Protective Equipment (PPE).
- Any limitations on other activities posed by the task and/or by adjacent activities.
- Any permits to work required.
- Any ES&H monitoring requirements posed by the task.
- Any emissions to the environment resulting from the task.

The assessments will be performed early enough to allow any changes to the proposed task to be incorporated as necessary. A review of the initial JHA and work package will occur prior to field issuance addressing any changes that may have occurred between constructability reviews and field issuance. For repetitive low risk tasks, a generic JHA may be used subject to agreement from the Site ES&H Manager. Daily pre-task planning will be performed at the site work group level. This process, known as Safety Task Analysis Risk Reduction Talks (STARTR), will be used in conjunction with JHA's. ***The JHA process does not replace the STARTR process. The progression of development should evolve from the creation of the JHA form to the creation of the STARTR form. Field supervision shall provide a completed JHA form to all work crews to enable the daily completion of the STARTR form.***

11.4.7 Safety Task Analysis – Risk Reduction Talk

STARTR Meetings will take place each morning with the crews prior to the start of any work activity. The meeting purpose is to ensure each employee understands:

- the scope of work to be carried out
- review applicable work permits
- their personal assigned duties
- hazards involved with the work, or that may be present in the workplace
- hazard control measures


The daily Pre-Job Meeting also serves as a forum for feedback to discuss previous shift safety performance as well as an opportunity to review project safety bulletins.

11.5 Resource Documents

JV Core Process CP-103, Rev 2

JV Core Process CP-105, Rev 2

JV Core Process CP-115, Rev 2

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11.6 Attachments
None

12.0 PROJECT ES&H COMMUNICATIONS

12.1 General

Effective and timely communication, among all members of the project team, is an essential ingredient to the successful execution of the Crude Expansion Project ES&H effort.

The Project will implement communications tools including project-specific posters and graphics; safety ES&H bulletins; special communications sessions such as re-STARTR and perception surveys. This section details specific requirements to insure effective ES&H communication throughout the project.

12.2 Communication Requirements

The project ES&H communication strategy is centered on the area/unit structure utilized by the construction organization. It is incumbent upon the respective JV/subcontractor managers and supervisors to facilitate the flow of communication through the unit structure from the individual to the project level.

NOTE: *Managers, Superintendents, General Foremen, & Foremen are responsible for ensuring that safety-meeting guidelines are followed.*

12.2.1 Sub-Contractor Pre-Work Conference

The JV representative coordinating the Subcontractor's work will conduct a Contractor Pre-Work Conference with representatives of the Subcontractor ES&H Department, all applicable JV supervision to include JV ES&H and Port Arthur Operations representatives.

Attendees will review the respective safety responsibilities of Motiva Enterprises PAR and the JV, subcontractors and visitors. The meeting will cover a brief overview of the process involved, the potential flammable, combustible, or toxic hazards that may be encountered, emergency response/action plans, minimum safety requirements, and work permitting procedures.


At this meeting the JV representative will define the parameters for periodic safety performance reviews between the JV and Subcontractors. The result of the Pre-work Conference will be a "Safety Acknowledgment Sheet" Issued to the Subcontractor.

Motiva Enterprises Work Permit Issuers must verify Subcontractors have attended a Pre-work Conference before issuing the first permit on any new job. Permit Issuer may request the Subcontractor present a copy of the Safety Acknowledgment Sheet or view the Pre-Work Conference computer database file to verify the Subcontractor has attended a Pre-Work Conference.

The Subcontractor will maintain a record of the Pre-work Conference meeting for at least the term of the contract plus five years.+

12.2.2 Jobsite Orientation Meeting

At the start of the first day of work, Subcontractor supervision will conduct a Safety Orientation. Information received by the JV at the Pre-work Conference will be reviewed

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with all subcontractor employees assigned to the job-site. A record of attendance will be maintained.

The subcontractor representatives or employees who receive Work Permits for work at PAR will be given a PSM Unit Hazard Checklist which lists the highly hazardous chemicals and flammable liquids and gases which may potentially be present in the work area and areas adjacent to the work areas.

Refer to SHE0052, Instructions for Issuing Work Permits

12.2.3 STARRT

Prior to starting work for the CEP, subcontractors must implement a process to orient all subcontractor employees, (subcontractors, newly hired, and additionally hired) to the job site and to any applicable site-specific safety requirements. Documentation (Pre-Job Hazard Review) for this orientation must be prepared for each Work Permit issued and must be provided upon request.

Safety meetings are to be held before beginning work each workday, when starting any new tasks during the day, or when a safety problem / job scope change has been identified in a crew involving more than one individual. The work to be done, the work permit, and the STARRT card will be reviewed verbally with the crew, identifying any potential hazards of each aspect of the job, the tools, the equipment to be used, etc.

The STARRT card will also be filled out at the task location and maintained at the job location with the work permit and work crew for review. Employees will be expected to identify any hazards they recognize and discuss the proactive safety measures that will be implemented to eliminate those hazards.

Completed STARRT cards should be returned to the JV Safety Department for future reference and documentation purposes. The subcontractor will provide this documentation upon request.

Employees should receive proper training and instruction on how to properly perform the STARRT card. As a part of all work tasks, the supervisor in charge should discuss procedures / MSDS applicable to the task being performed by their crew. These safe work practices shall be followed by all employees of Motiva / CEP subcontractors.

Refer to Motiva PAR Procedure, SHE0081 Requirements for Contractor Evaluation, Selection and Work Performance Monitoring


12.2.4 Bi-Monthly Unit Safety Meetings / Tool Box Safety Meetings

JV Unit construction leads must have in place a process to conduct bi-monthly safety meetings with their employees and subcontractor employees. Employee attendance is mandatory. A weekly safety topic attendance roster with a record of the safety topics / issues will be kept on file to document the meeting and attendance.

Bi-monthly safety meeting "Topics" will include current safety issues and the required solution, any new or revised safety procedures, safety alerts, upcoming work activities, accident investigation findings, and safety educational items - Toxic hazards, Substance abuse, etc.

Refer to Motiva PAR Procedure, SHE0081 Requirements for Contractor Evaluation, Selection and Work Performance Monitoring

NOTE: JV Construction Management Team members and partner subcontractor management staff personnel will attend the toolbox meetings to show participation in and

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support of the project safety program. All JV management will be expected to be visual in the field and communicate with employees their commitment to "Incident & Injury Free" on a regular basis.

12.2.5 Monthly Area (ISBL East/ ISBL West/ OSBL/ In-Direct) Safety Meeting

An area wide safety meeting will be held at a minimum of once a month with all applicable unit employees. JV construction management team members will lead this meeting. Topics can include but are not limited to the following:

- General areas of concern
- Safety program direction / status
- Lessons learned from other projects
- Off-the-job Safety Topics
- Positive recognition to individuals and the UNIT team

12.2.6 Hazard Communication (Required by PG-1B, Appendix C, 1.5) (CP-202)

The JV will develop an inventory of all hazardous chemical agents involved in the construction process, including building materials, proprietary chemical products, fumes, dusts and gases emitted as a result of cutting and welding and sanding/grinding. The inventory will be developed and maintained by the ES&H department using information provided by the Field Procurement Manager. He shall obtain health hazard information for the chemical agents identified, including material safety data sheets for all purchased proprietary products.

This information shall be available (location) and accessible (language) to the employees at all times.

12.2.7 Incident/Information Sharing

Safety Bulletins will be distributed to foremen to communicate information to the crew as required. They will contain information on Incident and Injury Free (IIF), project issues, trends and other safety concerns.

12.2.8 Bulletin Board Program

The JV CEP project management team, with cooperation from the individual unit teams, will generate the safety bulletins and review comments submitted. They will be issued to inform personnel of any significant events which occur on the project and to disseminate lessons learned


Members of line management will attend and participate in toolbox talks and STARRT meetings to demonstrate visible support, encourage participation and audit quality of presentations.

Project bulletin boards will be maintained to communicate ES&H messages to employees, including the tenants of IIF.

Boards will be maintained by a designated person, contain only approved notices and be protected from the weather. Bulletin boards will be located in an accessible area within each of the construction units. Board content should be unit specific, with provisions for broader project communications to be displayed.

12.2.9 Communications with Media

Communications with media will be in accordance with the project communications plan.

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12.3 Documentation Requirements

Attendance records for training, safety meetings (all types), orientations, etc. will be filed onsite and retained for the duration of the project. These records will be sent to the appropriate records retention location in accordance with JV record retention requirements.

12.4 Resource Documents

JV Core Process CP-105, Rev 2

12.5 Attachments

None

13.0 SUSTAINABLE DEVELOPMENT

The JV, in conjunction with Motiva LLC, the Port Arthur Refinery, and various local entities, is absolutely committed to executing the Crude Expansion Project within the guidelines of sustainable development and positive community relations. The Project Sustainable Development Plan has been developed as a separate document.

Refer to "Sustainable Development Plan- 25282-100-GPP-GHX"

14.0 SECURITY

The Site Security Plan in its entirety has been developed as a separate document.

Refer to "Site Security Plan – 25282-100-GPP-GHX"

15.0 INCIDENT MANAGEMENT

15.1 General

The following activities will comprise the key aspects of the incident management process:


- All incidents and near misses shall be reported and investigated within 24 hours of occurrence. Investigations will be conducted and actions tracked to completion and entered in the data management system.
- All injuries regardless of severity will be reported to the site Health Center.
- If an injured worker requires transport to an offsite doctor or clinic the transport will be coordinate by site medical personnel in conjunction with Site ES&H manager or designate.
- All incidents with serious potential loss or injury shall be reported to the JV CEP Area Construction Manager and Site ES&H manager immediately.
- Employees have a responsibility to promptly report incidents to their line supervisor. Line supervisors are responsible to ensure incidents are properly reported and investigated.
- The JV Risk assessment matrix will be used to determine severity and rating.
- To maintain reporting consistency all incident investigation reports will be done using the JV incident report forms.

15.2 Responsibilities

Contractors are required to comply with incident notification and investigation requirements. Contractors will also implement an incident management system in compliance with project requirements.

All project participants, including visitors, have a responsibility to promptly report incidents to their line supervisor or escort.

Line supervisors are responsible to ensure incidents are properly reported to JV and an investigation conducted.

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To ensure incidents are freely reported, the incident investigation process will focus on causal factors and circumstances, and not on finding blame.

15.3 Incident Reporting Requirements

15.3.1 JV Requirements

All incidents and near misses will be reported using the standard-format 0-60 *Initial Notification Form*. (as per CP 107 Reporting and Investigating Near Miss Incidents; CP 108 Injury-Illness Investigations and Reporting). The JV shall ensure applicable notifications are executed in a timely manner and in accordance with the controlling procedures. Notification distribution shall follow project reporting requirements to include Motiva ES&H personnel.

It is essential that all high potential near misses, property damage and lost time incidents are investigated using the CAT 3 format detailed in Core Process 107, Reporting and Investigating Near Miss Incidents and 108, Injury/Illness Notification, Investigation and Reporting.

15.3.2 Motiva CEP Requirements

The JV shall provide monthly statistics to the Motiva CEP Management Team by the end of the 7th working day of each month. It will include the following information:


- Total Man-hours worked
- Number of first aid cases
- Work Related Injury and illnesses
- Number of medical cases
- Number of lost workday work cases
- Number of lost workdays
- Number of restricted work day cases
- Number of restricted days
- Number of fatalities
- Spills (petroleum or chemical) to secondary containment, land or water.
- Number of Spills
- Order of magnitude of volume
- Hazardous waste reporting
- Number of fires and explosions
- Motor vehicle accidents
- Property loss or damage
- Near misses

15.4 Investigation Process

Once an incident or injury has been classified by category the appropriate investigation will be conducted under the guidelines of CP108. The primary method for root-cause analysis investigation conducted by the JV ES&H department will be the "Fishbone" process. Thorough and detailed investigations are an integral phase of the lessons-learned, continuous improvement and incident prevention efforts.

In accordance with Shell PG-1B, App. B sec. 7.3., all fatalities, major property damage incidents, or high risk incidents shall be reported and investigated according to the Shell Tripod method.

15.4.1 Incidents Requiring Investigation

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The following types of injuries and near misses will be investigated using the guidelines detailed in CP107 and CP108. Incidents will be classified as Category 1, 2 or 3 following the guidelines in CP108.

- First Aid Injuries
- Medical Treatment/Recordable Injuries
- Restricted Workday Injuries
- Lost Workday Injuries
- Fatalities
- Environmental Incidents
- Property Damage
- Fires
- Near Misses
- Workplace Violence
- Vehicle accidents

15.4.2 Post Incident Review

High potential near miss incidents and serious accidents will be reviewed by the appropriate project personnel and may require a GBU level review that will include participation by Site Management, Project Management, Site ES&H, Functional ES&H and Houston senior management.

The GBU level review is to be initiated by the project by making a request through OG&C senior management for an Incident Review. The review is to be held within 72 hours of the incident occurrence.

To allow adequate time to read and understand the reports and associated material related to the incident such is to be forwarded to Senior Management and ES&H Functional Management no less than 24 hours prior to the review.

15.4.3 Incident Closeout

Upon completion of an Incident Investigation or Near Miss Investigation action must be taken by management to prevent reoccurrence. Part of the benefit of conducting Incident and Near Miss investigations is to learn and pass on lessons learned. The information learned as a result of the incident is to be distributed in the form of safety bulletins, lessons learned bulletins or safety alerts to potentially effected project personnel.


Closeout reports are to be signed by the Site Manager and forwarded to the GBU ES&H manager for final review.

15.4.4 Near Miss/Safety Opportunity Reporting

Reporting of near miss incidents and Safety Opportunities is an important and critical component to prevent incidents that have a potential to injure or harm property from occurring.

Any observation of a risk condition or near miss incident that had the potential to cause serious injury or damage to property and/or the environment must be reported immediately to the appropriate supervisor and a near incident report completed.

The supervisor is responsible for requesting assistance to investigate the near miss incident. In addition the supervisor is responsible as necessary to correct the unsafe act or condition to prevent reoccurrence.

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Near miss incidents and safety opportunities are to be recorded and tracked on the site ES&H Tracking Register to insure proper closeout.

15.4.5 Injury/Illness Classification for Recordability

First Aid (FA) – An injury/illness involving limited/minimal medical assistance will be classified as first aid, regardless of who provides the treatment.

Doctor Visit - No Treatment – A doctor/hospital visit that only involves examination, observation, diagnostic or counseling services will be classified as a "Doctor Visit case – No Treatment".

Medical Treatment/Recordable – Any medical treatment other than first aid items listed above, provided by a physician/licensed medical professional will be classified as a Medical Treatment/Recordable case.

Restricted Work Case (RWC) – An injury/illness that involves one or more days of restricted work or a job transfer will be classified as a restricted work case.

Lost Workday Case (LWDC) – An injury/illness that causes an employee to be unable to report to work for his/her next regularly scheduled shift will be classified as a lost workday case. The determination that the employee could not return to work for his/her next regularly scheduled shift must have been made by a physician/licensed medical professional.

Fatality (FAT) = Self Explanatory

Further information on Injury/Illness classification can be found in JV's Core Process CP108, Injury/Illness Notification, and Investigation & Reporting.

15.5 Resource Documents

JV Core Process 105, STARRT and JHA Process

16.0 ENVIRONMENTAL

The Construction Environmental Control Plan (CECP) in its entirety has been developed as a separate document.

Refer to "Construction Environmental Control Plan – 25282-000-4CP-T07G-00001"


17.0 INSPECTIONS, AUDITS & ASSESSMENTS

17.1 General

Inspections assist in enhancing compliance to legislated requirements, improving employee morale, and increasing work efficiency. They involve observation of work practices and/or physical conditions to identify exposures that could, if left uncorrected, result in losses.

The objective is to evaluate and inspect the site and proactively address and correct non-conformance findings in addition to recognition of exemplary performance. The inspection categories and focus will vary depending on the location and progression of construction.

The JV will report the results of monitoring effectiveness of ES&H management elements such as training, toolbox talks, and inspections of equipment, housekeeping. The reports will be reviewed by the Site ES&H team and communicated to the project team.

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The JV will arrange a program of formal audits centered on the implementation of the JV's ES&H Management Plan, and of cross site audits of high risk activities such as lifting operations, confined space entry and working at height.

Refer to CP-111

The JV will enter the findings and agreed actions into the action tracking system, and ensure follow-up and close out of actions.

The JV and Motiva team will arrange for external audits of implementation of the ES&H plan by their respective head offices, periodically through the construction period.

17.2 Responsibility

Inspections are an important part of the Project ES&H management system. They involve observation of work practices and physical conditions to identify situations that could contribute to incidents. It is expected that all levels of leadership including contractor senior management will participate in some form of ES&H inspection(s).

A schedule for Weekly formal, documented site visits by managers, front line supervisors, engineers and ES&H specialists will be established for the project. Such inspections will be used for checking compliance with ES&H requirements and monitoring the effectiveness of implementation of the ES&H plan.

17.3 Assessment Process Overview

17.3.1 Corporate ES&H Assessment

A formal, programmed corporate ES&H assessment of a project's overall ES&H Plan will be scheduled and conducted by a member of BESH Corporate Management. BESH Corporate assessments are to be scheduled annually.


17.3.2 GBU ES&H Assessment

The OG&C ES&H Self-Assessment tool will be utilized quarterly by the GBU Functional ES&H Management to augment the Project ES&H review process. The JV Project Director is responsible for supporting the implementation of the assessment according to the schedule as well as providing resources necessary to close-out any action items identified during the assessment.

17.3.3 Project Self Assessment

The OG&C ES&H Self-Assessment tool will be utilized quarterly by the Site ES&H Manager to augment the Project ES&H review process. The JV CEP Project Director is responsible for supporting the implementation of the assessment according to the schedule as well as providing resources necessary to close-out any action items identified during the assessment.

- The process involves the following:
- Convene the key people, or their designees to review the assessment agenda;
- Calculate the score based on overall ES&H Program implementation and field conditions as measured by the individual scores for each checklist section;
- The first score will be used as the baseline for the Project;
- The minimum target score for the Project is 75%; however each subsequent score after the baseline should be at least as high as baseline or higher than the previous as an indicator of Continuous ES&H Improvement;
- Record actions to be completed by the next review in order to improve the ES&H activity and subsequent score;

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- Publish the ES&H Self-assessment score to the Project.

17.3.4 JV CEP Construction Manager's Assessment/Audit

The Construction Manager and the Site ES&H Manager will conduct an assessment of a particular Core Process included in the ES&H management plan on a monthly basis.

17.4 Inspection Requirements

17.4.1 Inspection by Government and/or Regulatory Authorities

Government audits will be supported by the Project team to the maximum extent practicable. The JV Site Manager and the JV Site ES&H Manager will coordinate with Motiva CEP Management and Motiva CEP ES&H representatives to determine the terms of reference for government audits and accommodate the auditors accordingly.

17.4.2 Formal Weekly (Planned) Inspections

Formal inspections shall be conducted jointly with JV, Motiva and sub-contractor representation to the max extent possible.

All subcontractors working at the PAR must have a process in place for conducting weekly safety inspections of their work areas.

The Weekly Safety Inspection is intended to encourage participation between all companies and contractors front line Supervisors.

Attention should be paid to identifying and resolving imminent and potential hazards and to confirm compliance with JV / PAR safety rules and regulations.

17.4.3 Daily Walkabout/Informal Inspections

Construction Best Practice

Subcontractor Supervision shall conduct routine Informal daily safety inspections of their employees and work areas.

Inspections shall make note of; hazardous substances, unsafe acts, unsafe conditions, corrective actions, proper equipment, proper rigging, electrical hazards, scaffolding, ladder inspections, LOTO Inspections, etc.

17.4.4 Environmental Inspections


Inspection criteria detailed in project CECF.

17.5 Tools & Equipment Inspections

17.5.1 Equipment Pre-mobilization Inspection

All equipment being brought on to the site will be inspected by a qualified mechanic prior to starting work. The purpose of the inspection is to verify that the equipment is in safe operating condition, free from fluid leaks and all safeguards required by the manufacturer are in place.

Equipment to be inspected includes but is not limited to cranes; vehicles; hoisting equipment; compressors; lights towers; temporary power generators; fuel storage tanks; welding machines; mobile equipment; aerial work platforms. Inspections shall be made at least daily by the operator and shall not be placed in service if the inspection shows any condition adversely affecting the safety of the vehicle or operator.

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Equipment that meets site standards will be identified as "Approved for Site Use" and tagged with a sticker. Substandard equipment will not be allowed on the work site until repairs are completed.

17.5.2 Mobile & Heavy Equipment Inspection and Preventative Maintenance

Heavy Equipment will be maintained and inspected in accordance with manufacturers recommendations.

Cranes will be maintained and inspected in accordance manufacturers recommendations.

17.5.3 Rigging Equipment Inspection

Visual inspections of rigging equipment will be conducted prior to each use. Rigging equipment will be maintained and inspected by a competent person and all inspection results will be maintained for the life of the project.

17.5.4 Quarterly Tools and Small Equipment Inspection

Documented quarterly inspections of the following equipment will be conducted. Equipment will be tagged with the quarterly color to indicate current inspection.

- Ladders
- Electrical tools, devices & cords
- Below the hook rigging components, i.e. slings, shackles, chokers, spreader beams, chain-falls, come-a-longs, etc.
- Fall protection equipment

17.5.5 Pre-Use Inspections

Equipment is to be visually inspected daily by the user and log books filled out as required.

17.6 Documentation Requirements

JV and subcontractors will ensure deficiencies are tracked to completion and a copy of the assessment or inspection report is submitted to JV. Actions identified during various assessments and inspections will be logged and tracked to completion on a master log. Actions arising from incident investigations will be tracked to completion and logged.

17.7 Resource Requirements

JV Core Process 106, Zero Accident Team
JV Core Process 109, People Based Safety Process
JV Core Process 111, ES&H Assessment Process
JV Core Process 112, Government Agency Inspections and Investigations
JV Core Process 114, Safety Leadership Review


17.8 Attachments

17.8.1 Equipment Inspection Checklist & Action Log

Inspection Checklists & Action Logs are to be developed

17.8.2 Project Self-Assessment Form

The OG&C GBU developed assessment tool will be used to conduct Project Self Assessments.

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18.0 SUBCONTRACTOR ES&H EVALUATION, SELECTION, & MONITORING

18.1 General

Subcontractor ES&H performance shall be measured against JV's Core Process Management System and project-specific ES&H plans and procedures.

18.2 Responsibilities

Subcontractors are responsible for delivery of ES&H performance within their organizations and within the organizations of their lower sub-tiers.

Contractors and sub-tiers, upon award of their contract, shall demonstrate to the JV Site Manager their ability to implement the standards established in this ES&H Management Plan and associated supporting plans and procedures through the development and implementation of their own site-specific and scope-specific ES&H Plans and Procedures. Such plans and procedures are to be submitted for review and approval 30days after award of contract and 10 days before mobilization to the site.

Contractor/sub-contractor implementation of the Project ES&H Management Plan and associated procedures will be mandatory on Project sites, Project site offices, on-site fabrication shops, lay-down areas, and Project-site accommodations. In addition, the contractors and sub-contractors shall be responsible for the following:

- Contractors shall nominate a responsible personnel experienced with Project ES&H issues to manage their ES&H program on sites;
- Contractors shall develop and implement site-specific and scope-specific ES&H procedures for the Project;
- Contractors shall provide ES&H awareness training to their personnel throughout the life of the Project;
- Contractors shall perform regular ES&H inspections and audits to confirm compliance with local and Project-specific requirements;
- Contractor shall actively participation in the JV's Safety Leadership Workshop and People Based Safety Programs.
- Contractor employees will be required to attend a JV project specific new hire orientation.

Subcontractor Site Manager is responsible to:

- Comply with the requirements as identified in the project ES&H management system
- Prepare and submit for approval a project specific ES&H plan
- Implement approved project specific ES&H plan
- Submit weekly ES&H summary report


Area Construction Manager is responsible to:

- Monitor subcontractor compliance within construction area and initiate corrective action on observed noncompliance
- Approve, in conjunction with the HSE&S Manager, management plans for "C" rated subcontractors

Construction Coordinator is responsible to:

- Monitor compliance to the established HSE&S management system
- Advise subcontractor of site hazards that may have an impact on their work
- Verify implementation of the subcontractor site specific HSE&S plan

Contracts Administrator

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- Lead a post contract review of the subcontractor project performance
- Chair the pre-construction meeting

ES&H Manager is responsible to:

- Review and approve all nominated subcontractor ES&H representatives
- Conduct evaluation of subcontractor pre-qualification documents and classify subcontractor
- Conduct review of subcontractor site specific ES&H plan and provide feedback on ways and means to strengthen plan
- During pre-award phase, assess strength of subcontractor's ES&H management system
- Conduct ongoing subcontractor compliance evaluations and advise Contract supervisor of findings

18.3 Pre-qualifying Sub-Contractors

The JV requirements to pre-qualify subcontractors draw on legal requirements, Motiva's standards and guidance and follow the JV Core Process 113. The Project specific Pre-qualification process map is attached to this document for reference.


All Subcontractors must have submitted their Safety Program to the Pacific Industrial Contractor Screening (PICS) in advance of reporting to work at the Port Arthur Refinery. Contractors/Subcontractors that have not been evaluated, approved, and entered into the PICS database will not be allowed entrance to the Port Arthur Refinery site.

PICS contact Number – (949) 387-1940 Ext. 706 attn: Jared Smith

General Contractors using subcontractors must submit subcontractor approval request to the coordinating J.V. Job Supervisor. Subcontractors must be pre-qualified by the same process as contractor prior to selection for performing work at Port Arthur Refinery.

The pre-qualifying process will use Shell Global Solutions Hurdle Rates for 2007 as noted below.

<u>SAFETY INDICATOR</u>	2007
PREFERRED STATUS	
EMR	<0.90
OSHA IR	<0.90
LTIR	<0.15
QUALIFIED STATUS	
EMR	<1.0
OSHA IR	<2.0
LTIR	<1.25

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CONDITIONAL STATUS	
EMR	<1.0
OSHA IR	<4.0
LTIR	<2.5

EMR = Experience Modifier Rate.

LTIR = OSHA Lost Work Day Case (Lost Time) Incident Rate per 200,000 hours.

OSHA IR = Total OSHA Recordable Incident Rate per 200,000 hours proposal.

18.4 JV Requirements

The JV will provide and explain the ES&H requirements to each subcontractor management at a pre-job kick-off meeting. The requirements shall:


- Provide the subcontractors with the JV's project specific ES&H policy, ES&H plan and procedures
- Request the subcontractors to familiarize themselves with the JV's ES&H plan, and their role in implementing the plan
- Provide the subcontractor with health, safety and environmental instructions for supervisors and employees, based on the project specific ES&H plan and procedures and also the PAR Pre-Work Conference Safety Packet information. *Refer to Motiva PAR Procedure, SHE0081 IV. F. (2)*
- Request subcontractors to train their supervisors and employees in these ES&H requirements.

18.5 Subcontractor Control Requirements

18.5.1 Competency Verification

The JV Industrial Relations group is responsible for the verification and validation of all employee competencies. The Industrial Relations group uses a combination of National certifications and JV processes to ensure the proper level of competency is achieved work force wide. The formal and detailed procedure can be found with the Industrial Relations group. For reference the following table is provided:

Worker/Job	Competence Documentation Requirements
Equipment Operators (except cranes)	Certified by a national recognized certifying agency or by contractor plus 4 years experience.
Pile Driver Operators	
Reinforcing Iron/Rebar	Certified by a national recognized certifying agency or by contractor plus 4 years experience
Carpenter	Certified by a national recognized certifying agency or by contractor plus 4 years experience
Concrete finisher	Certified by a national recognized certifying agency or by contractor plus 4 years experience
Crane Operators	Certified by a national recognized certifying agency.
Riggers	Certified by a national recognized certifying agency or by contractor plus 4 years experience.

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Iron worker	Certified by a national recognized certifying agency or by contractor plus 4 years experience	
Scaffold Builders	Certified by a national recognized certifying agency or by contractor plus 4 years experience	
Scaffold Inspector Competent Person	Per 29 CFR 1926	
Welder	Certified by a national recognized certifying agency and able to pass the required skill demonstration testing before employment.	
Boilemaker	Certified by a national recognized certifying agency or by contractor plus 4 years experience	
Millwright	Certified by a national recognized certifying agency or by contractor plus 4 years experience	
Pipefitter	Certified by a national recognized certifying agency or by contractor plus 4 years experience	
General Mechanic	Able to demonstrate the necessary certifications and demonstrated skill to accomplish the required task as recognized by the contractor.	
Electrician	Certified by a national recognized certifying agency or by contractor plus 4 years experience	
Instrumentation Tech/Fitter	Certified by a national recognized certifying agency or by contractor plus 4 years experience	
Insulator	Certified by a national recognized certifying agency or by contractor plus 4 years experience	
Painter	Certified by a national recognized certifying agency or by contractor.	
Laborer	Certified by a national recognized certifying agency and work history is recognized by the contractor.	
Supervisors/Foreman	Typically certified in their craft by a national recognized certifying agency and selected based on their demonstrated leadership and/or experience in the field.	
Engineers	College degree; 5 yrs experience; PE preferred	
HSE Professionals	College degree; 5 yrs experience; CSP/CIH preferred	
Excavation Competent Person	Per 29 CFR 1926.651-652	
Fall Protection Competent Person	Per 29 CFR 1926.502	
Demolition Competent Person	Per 29 CFR 1926.859	


18.5.2 Pre-Contract Phase

The project has implemented a formal prequalification procedure utilizing Form G with a scoring mechanism to evaluate proposed bidders. If a subcontractor does not meet the requirements they will not be permitted to work on the project.

During the qualification of contractors/subcontractors, for bidders list, a primary consideration is the contractors/subcontractors historical, current safety performance and interviews with key personnel.

Contractors will be evaluated and verified as being competent to safely deliver quality work within schedule and budget requirements. In accordance with established procedures, JV will formally evaluate and assess performance of each proposed bidder before awarding contracts.

A pre-award meeting will be held with subcontractors prior to award of contract. The purpose of this meeting is to ensure the subcontractor has a clear understanding of the

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project ES&H requirements and they are fully prepared to accept and work to such requirements.

The contractor will advise the contract coordinator of any (sub) contractor they will be using and ensure all documentation is submitted prior to the pre job kick off meeting being held.

18.5.3 Active Contract Phase


Contractor / Subcontractor guidelines, requirements and expectations are outlined in JV core process 113, Subcontractor ES&H Evaluation, Selection and Monitoring.

All contractors on the Project shall comply with the following:

- Submit an ES&H management plan identifying the requirements of the applicable contract. All plans will meet or exceed the requirements in the Motiva CEP ES&H Management plan.
- Manage sub tier contractors to the same standard.
- The contractor will ensure all employees are competent to perform their required tasks and are adequately supervised.
- Ensure all contractor employees and sub tier employees are aware of and understand the project policies and procedures.
- Ensure contractor's managers and supervisors are familiar with and enforce ESH&S regulations and document all actions taken to ensure compliance with the contractor's plan.
- Ensure contractor supervision attend site supervisor training.
- Ensure the contractor's managers and supervisors take part in scheduled work area inspections and implement and document required corrective actions.
- Subcontractor project managers, construction managers, superintendents and foremen are to support, promote, and participate in JV's Zero Incident Management Initiatives.
- Receive prior approval for the set up of temporary facilities and trailers prior to commencing work.
- Ensure all personnel working adjacent to or in the operating facility are aware of the hazards and have the required training and orientations.
- Ensure all contractor personnel abide by the site standards or be subject to discipline up to and including termination from the project.

All contractors on the project will:

- Attend a kick-off meeting at the start of the job.
- Submit an ES&H management plan identifying the requirements of the applicable contract.
- Ensure all employees are competent to perform their required tasks, are adequately trained and understand the project policies and procedures.
- Comply with applicable regulatory requirements, as well as company and project specific requirements.
- Ensure managers and supervisors are familiar with and enforce ES&H rules and regulations.
- Document all actions taken to ensure compliance.
- Ensure supervision attend site supervisor training.
- Ensure managers and supervisors take part in scheduled work area inspections and implement and document required corrective actions.
- Contractors whose safety performance does not meet the minimum standard and/or whose safety performance deteriorates during the project will be required

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to develop and submit a risk mitigation plan to JV for approval within the stipulated time period.

18.5.4 Subcontractor Selection of Sub-Tier Contractor

Subcontractors engaged by JV are individually responsible for the selection and qualification of lower-tier subcontractors and ensuring they are competent to perform the assigned work. Lower-tier subcontractors will be pre qualified by the contractor and approved by JV.

18.5.5 Post Contract Phase

The Project ES&H Manager will provide ES&H performance input to the Contract Manager for inclusion in the subcontract post report.

18.6 Compliance Monitoring

In order to verify contractor and sub-contractor compliance with the Project ES&H Management Plan, JV will have dedicated ES&H personnel providing full-time oversight of subcontractor activities throughout the construction and commissioning phases of the Project. In addition, JV will perform inspections and audits of contractor and sub-contractor activities according to the general and formal inspection schedule.

18.7 Documentation Requirements

Contractors will maintain their own ES&H records. JV will require access to contractor records for assessment purposes. Contractors and Sub contractors will submit the following records:

- Weekly Planned Inspections - complete with follow-up on substandard items identified
- Incident Investigations - completed investigation including follow-up on identified remedial actions.
- Weekly ES&H Meeting - complete with follow-up on concerns raised.
- Training Matrix detailing the (sub) contractors training plan.
- Weekly statistical summary report.
- Copies of any reports issued as a result of visits or inspections conducted by regulatory agencies.
- Certification documentation as required (e.g. cranes).
- Copies of Material Safety Data Sheets


The following records as a minimum will be maintained by the contractor on the file, but available for review by JV:

- Pre-use Equipment Checklists
- Training Records
- Course outlines
- Copies of attendance lists for training provided to employees
- Signed copy of the company specific orientation checklists
- STARRT cards
- Daily Pre-job meetings - complete with follow-up on concerns raised
- Copy of Project Hazard Assessment
- Copies of JHA's conducted complete with attendance lists
- Copies of task specific work procedures

18.8 Resource Documents

JV Core Process 113: Subcontractor ES&H Evaluation, Selection and Monitoring.
JV Subcontract Blue Book

18.9 Attachments

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18.9.1 Contracts/Subcontracts Formation Manual
Available from JV Subcontracts Management Department

19.0 PEOPLE BASED SAFETY

19.1 General

People Based Safety will be implemented during Project construction activities as tools to help achieve the objective of minimizing risk for people, assets, and the environment.

People-Based Safety (PBS) is a proven science that uses an observation/feedback process to positively reinforce safe behaviors that prevent injuries, and to coach/discuss at-risk behaviors that are contributing causes to injuries. The objective is to challenge workers to strive toward the goal of working the job with 100% safe behaviors, discussing the value of why we need to work safe and encouraging change in at-risk behaviors.

19.2 Definitions

19.3 Responsibilities

JV CEP Project Director is responsible for:

- Demonstrating his commitment and support to the PBS process
- Launching the PBS program at the Project site and ensuring the PBS program is implemented according to the JV Core Process 109, People Based Safety Process.

JV CEP Site Manager is responsible for:

- Demonstrating his commitment and support to the PBS process
- Ensuring that all Project entities participate
- Monitoring the PBS process to assure PBS is effectively implemented

JV CEP Area Construction Manager is responsible for:

Championing the Behavior Observation Team within his area

Fostering a climate within his area that encourages the implementation of PBS


- Ensuring that line management understand their role in supporting PBS

Line Management is responsible for:

- Using PBS techniques, such as positive reinforcement, in the carrying out of their daily supervisory responsibilities
- Supporting PBS by encouraging PBS Observation Team members to conduct their observations
- Recognizing and supporting the safe behavior that they see
- Giving corrective feedback for at risk behaviors in a way that is accepted by the employee observed
- Focusing on worker behavior in an actively caring way
- Helping workers improve their behavior of their own free will – no forcing, no coercion, just helping

Employees are responsible for:

- Understanding that 95% of construction injuries are caused by employee behaviors;
- Participating in the PBS observation process in the role of Observation Team member or as trades people who agree to be observed
- Using behavior based coaching to demonstrate actively caring for the other employees
- Maintaining the vision of "100% Safe!"

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PBS Coordinator/Facilitator is responsible for:

- Providing the appropriate level of PBS education and training to project management, line supervision, and employees.
- Facilitating the BBS Observation Team by:
 - Coaching the Team in the proper methods of observations
 - Facilitating the Observation Team meetings.
- Procuring the resources needed to support the observation process.

19.4 PBS Process

The Project PBS program will be implemented as follows:

The Project People Based Safety Program will be developed outside of this document according to the JV Core Process 109: People Based Safety Process and implemented according to the Project PBS Implementation Plan.

The PBS process will be initiated during construction activities and the program will remain in effect until Project commissioning is complete.

The PBS process consists of the following components:

- Observation of work behaviors that are contributing causes to injuries (e.g., body mechanics, use of PPE, use of tools)
- Providing immediate constructive feedback to positively reinforce safe behaviors and correct at-risk behaviors
- Increase in employee involvement
- Increase in ideas for process/behavior improvements
- Quantitative reduction in occurrences of at-risk behavior

19.4.1 PBS Observation Process


The process is a worker-owned; no name/no blame teams helping each other to work safely. The observation process is used to develop a safer workplace for our co-workers and ourselves by observing work behaviors such as:

- Lifting
- Body Position
- Wearing PPE
- Communicating with Others
- Tool Use
- Housekeeping

After the observation, workers are given immediate constructive feedback. First and foremost, the team will look for safe work behaviors and give positive feedback. If an at-risk behavior that causes injuries is observed, a discussion takes place with the worker so he or she can decide on the appropriate action to achieve 100% safe work behaviors, give their opinion on the observation and any at-risk behaviors, and give suggestions for improvement changes.

19.4.2 Selection & Training of Observers

Observers will be selected from the workforce by discipline, organization or work areas as identified by the strategy outlined in the PBS Implementation Plan.

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Observers will be team members that exhibit natural leadership abilities and are willing to volunteer their time and knowledge to assist in the improvement of ES&H initiatives on their project.

19.4.3 PBS Observation Team

The observation team's primary objective is to observe and measure work activities by all trades and evaluate behaviors and work processes before an incident occurs.

Observers are trained to provide immediate feedback to the workforce in a manner that will exude a positive response from the person being observed. The key to successful feedback is to interact and show care and concern for observed person's welfare rather than just telling the person what they are doing wrong.

19.4.4 Data Collection and Analysis

The Radar data collection system will be used on the project to show team progress in meeting the goal of 100% safe behaviors.

The most important part of the process is the communication between workers and the feedback discussion on safety and safe work behaviors.

In addition it is important to share the results of data collection and analysis to the workforce. This will be done by means of the site bulletin boards, communications between the PBS team and the Zero Accident Team, Safety Meeting Publications, and other means as relevant.

19.5 Beyond Zero Accident Team

Each construction unit will establish a Beyond Zero Accident Team. The primary objective of the team is to facilitate the successful integration of the ES&H process into all activities, and to spread ownership of the ES&H process to all personnel. The Beyond Zero Accident Team will be established at the initiation of permanent plant construction and will evolve in size and number as the project units begin work.

19.6 Documentation Requirements

PBS observations will be recorded on the project produced observation cards and placed in the observation collection boxes located on the project site. Observations will be entered into the RADAR software program. Radar reports will be generated to evaluate trends. Trends will be used as a basis to determine corrective action measures.

19.7 Compliance Monitoring


JV will introduce focus PBS observations as a means to monitor effectiveness of established PBS practices and procedures. Areas of emphasis will be linked to the path of construction and the corresponding path of risk.

Facilitated by line supervision and PBS Coordinator, these PBS specific assessments will facilitate improvement opportunities identified and support identification of continuous improvement opportunities.

19.7.1 Project PBS Assessment

The implementation and effectiveness of the project PBS program will be evaluated during the quarterly assessments conducted by either JV Corporate ES&H or GBU Functional ES&H.

19.7.2 Maturity Curve

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To be developed.

19.8 Resource Documents

PBS Implementation Guide
JV Core Process 106, Zero Accident Team
JV Core Process 109, People Based Safety Process

19.9 Attachments

None

20.0 ES&H GENERAL RULES

20.1 General

The performance of our work in the safest possible manner can only happen when the work has been carefully planned and the project policies/programs are followed. The performance of our work in the safest possible manner can only happen when planned policies/programs are followed.

The project has developed a list of general ES&H rules. The rules are broad in nature and apply across the project. As the project proceeds, additional requirements may be identified, with new rules added.

20.2 Responsibilities

Compliance to site rules and regulations is required by all personnel.

20.3 General Requirements

The following General Project Safety Rules will be implemented at the commencement of CEP construction through commissioning and start-up. General Site ES&H rules will be distributed and discussed during new hire orientation. Employees will be required to sign and acknowledge the receipt of and understanding of the rules.

20.3.1 Project Disciplinary Policy and Procedures

Ignoring substandard behavior sends the silent message that the behavior is acceptable. When an employee operates in a substandard way, it is the responsibility of line supervision to take corrective action.


CEP Direct hire, Subcontractors and employees shall ensure at all times, strict compliance with the JV Safety Management Plan, procedures and accepted work practices. Condoning of blatant breach of ES&H by Supervision will not be tolerated on the Project. Motiva and the JV have the right and will exercise this right to remove any person from the Project for condoning, supporting or instructing any employee to commit an unsafe act, work in an unsafe environment or unhealthy conditions, endanger the environment, endanger the health of others, or work with unsafe equipment.

20.3.2 Housekeeping

Worksites are to be kept clean, neat and orderly throughout the workday. Trash cans and dumpster or skips are to be available throughout the work areas for trash disposal. Trashcans are to be located next to drinking water coolers and hand washing stations for disposal of drinking cups and paper towels.

(Refer to CP201)

Material shall be stored in an orderly and stable fashion and kept clear of work areas and traffic aisles.

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Pipe and similar materials shall be stacked and chocked to prevent spreading.

Flammable and combustible materials shall be stored at least 50 feet from hot work or other sources of ignition. Fire extinguishers shall be provided at least 25 feet from, but not more than 50 feet from flammable liquid storage areas.

Flammable liquids shall be stored in clearly marked containers and labeled as to contents. Containers must be stored only in properly designated / diked areas.

Employees shall be observant of pinch points while handling materials or tools.
Refer to Motiva PAR Procedure, SHE0078 Housekeeping Policy

20.3.3 Smoking

Smoking is PROHIBITED in the refinery, except in those areas designated by Motiva for contractor use. The Project shall post "Approved Smoking Area" signs as required around those areas approved for contractor use. Designated Motiva Operations Smoking Areas are NOT to be used by any CEP employee. Smoking is a privilege and will be removed if good housekeeping is not maintained. Smoking is allowed in designated areas ONLY. Use "butt buckets" and thoroughly extinguish cigarettes before disposing them. Smoking in a non-designated area is grounds for dismissal.

Carrying ordinary strike-anywhere matches, disposable butane lighters, or any other lighters having exposed sparking mechanisms is prohibited within the fenced area of the plant.

Lighters having exposed sparking mechanisms (e.g., butane lighters) are prohibited in the Plant and shall not be carried onto Motiva property. Only safety matches are approved for use in the project designated smoking areas.

Refer to Motiva ES&H Policy, GEN0006 Smoking Policy

20.3.4 Sanitation

20.3.4.1 Sanitary Facilities

Subcontractor will be provided adequate and proper sanitary hygiene facilities for its employees. Facilities shall be provided not less than one per twenty five employees and with consideration for female employees. This includes portable restroom buildings, port a lets, and hand wash facilities.


Employees are responsible for adhering to the proper use and care of the applicable sanitary facilities. Defacing or damaging of these facilities will result in disciplinary action up to and including termination.

20.3.4.2 Lunch/Break Facilities (Required by PG-1B, Appendix C, 1.8.4)

This section also applies to mess rooms at the worksite.

Lunch Areas shall have the following features:

- All doors, windows and other openings in food premises shall be protected with fly screens
- Pest control measures to be implemented as needed.
- Wash basins outside mess halls for people to wash their hands before and after meals. The basins shall be provided with soap and towels
- Ventilation (as required)

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- Lighting as specified in this document
- Food should only be consumed in the Lunch Area

20.3.4.3 Catering & Food Hygiene (Required by PG-1B, Appendix C, 1.8.5)

Food and water related illnesses (food poisoning) are a major cause of lost time at work, and have the potential to shut down an operation. Therefore, a system needs to be in place, which ensures the safe management of catered food.

A list of approved catering services in the area will be developed and provided to all sub-contactors.

20.3.4.4 Drinking Water (Required by PG-1B, Appendix C, 1.8.9)(CP 228)

Drinking water coolers will not be used for any other purpose (such as, cooling or storage of soft drinks). In case of emergency, where immediate first aid measures require ice or cold water, drinking water coolers may be used. Once the top has been removed for emergency purposes, empty coolers are to be turned upside down. Removal of drinking water cooler tops for purposes other than in an emergency may result in termination.

20.3.4.5 Garbage Collection (Required by PG-1B, Appendix C, 1.8.10)

The JV will provide a suitable system for garbage collection and disposal. Spillage of refuse should be prevented. Arrangement shall be made for a daily collection of food wastes from all lunch rooms.

A sufficient number of fly-proof and rodent proof bins or containers shall be supplied to all lunch rooms to maintain cleanliness. Bins shall be cleaned immediately after being emptied.

Waste from clinics will be collected in bio-hazard bags clearly marked. Clinical waste includes dressings, swabs, human tissues, used syringes, needles, cartridges, broken glass, waste medicines and tablets and other chemical waste used in pharmacy.

Disposal of garbage will meet local legislative requirements, public health standards and PAR requirements.


20.3.5 Personal Protective Equipment

20.3.5.1 General CEP Dress Code

Where FRC clothing is not required, a minimum of long-sleeved shirts with a collar are permitted. The sleeves are required to be rolled down at all times.

Loose fitting clothing, rings, loop earrings and other jewelry shall not be worn around operating tools or machines. Stud earrings will be allowed. No other visible body piercing items will be allowed.

Anyone working on the project with long flowing and uncontained hair longer than the top of his/her shoulders must tie-up and restrain the hair within the hard hat, coveralls, shirt, or jacket collar. Long flowing beards or "handlebar" mustaches will not be allowed. No facial hair shall be worn that would interrupt a seal on either a half or full-face respirator.

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Trousers with large bell-bottoms, shorts, or dresses are not allowed.

Clothing must be in good condition.

Employees working with or in areas where there may be sparks, such as welding, grinding, and/or burning, should avoid wearing synthetic fabrics that support combustion.

Appropriate leatherwork gloves, leather welder's jacket with sleeves, hardhat and a welding hood shall be worn when welding. A tinted face shield or a clear face shield with cutting goggles is required when using a cutting torch as appropriate.

20.3.5.2 Safety Hardhats

Approved hard hats shall be worn at all times at the PAR. Exceptions include office buildings, control rooms, on roadways, in parking areas, or when traveling inside enclosed vehicles.

CEP subcontractor management shall provide, and their employees must wear ANSI Z89.1 or approved equally rated hard hats at all times while on the work site. The employee's name and company name should be displayed above the brim. Employees may not modify Safety hardhats, in any way.

Hard hats should be worn with the bill facing forward and welders should use hard hats while welding. Ball caps will not be allowed to be worn underneath hardhats. Ball caps may obstruct upward / overhead vision and may interfere with the suspension performance and the stability of the hat on the head.

Refer to CP200-205

20.3.5.3 Safety Shoes

As a construction "Best Practice" all CEP construction personnel and subcontractors are required to wear ANSI approved Safety Toed footwear that are well constructed, slip resistant, made of all leather uppers, and have distinct well-defined heels (no wedge soles). Offices and associated administrative complexes are exempted from this Best Practice.

Refer to CP200-205

CEP employees will not be allowed to wear athletic style safety toed footwear. Non-safety toed footwear may only be worn in offices. Sandals, slippers, opened toed shoes, and high heels are not permitted. This also applies to administrative areas.


Refer to CP200-205

All employees operating Paving Breakers, Sand Tamps, Jackhammers, Jumping Jack Compactors or other such work tasks shall wear safety toed footwear with metatarsal guards.

Note: As of April 1, 2007, all footwear will meet ASTM F2413.05

20.3.5.4 CEP Hand Protection Program

Gloves of task-appropriate material must be worn at all times while inside the construction work areas. As part of the hand protection program, when employees are working with materials or equipment that have the potential for

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hand injury due to sharp edges, corrosive, flammable or irritating materials, extreme temperatures, splinters, etc., the proper glove selection must be made. Consult the safety department or MSDS sheets for specific types. CEP subcontractors will supply the appropriate work gloves for their direct hire employees. All subcontractors shall utilize PPE Hazard Assessments, JSA, and PAR Work Permits for hazard identification.

Refer to CP105

20.3.5.5 Eye Protection

The work sites will be considered a 100% eye protection area. Subcontractors shall provide and their employees must wear ANSI Z87.1 or approved equally rated safety glasses with side shields at all times while inside the designated work areas. This includes lay-down yards or inside buildings when work is being conducted. Additional approved eye/face protection such as face shields will be required when performing certain tasks such as burning, chipping, grinding, impacting, etc. Corrective lens (prescription glasses) manufactured to ANSI Z87.1 (or approved equal) may be worn with hard side shields; other lenses require "over glasses" and/or use of goggles. Dark lenses will not be worn at night or in poorly lit areas.

Refer to CP200

A good practice to use for evaluating the need for additional eye protection is, if you are within or must pass within ten (10) feet of a grinding or chipping type operation (Line Of Fire) you shall don additional eye / face protection or move away from the area. Barricade the work area to warn other employees.

Face shields with mono-goggles shall be used by employees performing duties where safety glasses alone do not provide adequate protection. These duties include but are not limited to:

- Grinding
- Using an Impact Wrench
- Concrete Chipping
- Using air and/or high pressure water for cleaning
- Using Irritant chemicals
- During cad-weld operations


The Crude Expansion Project Team does not recommend the wearing of contact lenses by personnel involved with tasks being performed in the field. The CEP will not allow the use of contact lenses in the work areas because of potential chemical hazards.

20.3.5.6 Clothing / Fire Retardant Clothing (FRC)

FRC shall be worn to aid in the protection of employees, subcontractor personnel, visitors and vendors from the danger of a flash fire through the use of Fire Resistant Clothing (FRC).

It is the responsibility of all employees to wear FRC in areas of the refinery where individual(s) are working in close proximity to flammable liquids, vapors and gases where there is a potential for a flash fire to occur.

Long-sleeved FRC must be worn in refinery operating areas, tank farms, pump-rooms, control rooms, at loading racks, at dock areas, in laboratories, maintenance shops, and all OSBL CEP construction areas.

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FRC is not required when walking to and from gates, in office buildings, on roadways, in parking areas, or when traveling inside enclosed vehicles.

FRC is designed to minimize burns, which could result from a flash fire and shall be worn as the outermost garment. Layered clothing should be worn underneath the FRC.

FRC does not take the place of Personal Protective Equipment (PPE) which guards against other hazards e.g. asbestos, refractory ceramic fiber and chemical exposure. If personnel are involved in an activity, which requires that PPE be worn, the PPE shall be worn over the FRC. Rain gear will be required to be FRC material.

Refer to Motiva PAR Procedure, SHE0024 Fire Retardant Clothing – Precautions to Reduce Injury

20.3.6 Safety Transportation Policy

Project Parking Lot Safety

Parking will be restricted to the designated construction parking area. The CEP Project assumes no responsibility for loss or damage to your vehicle while in the parking lot.

Employees are responsible for adhering to the following regulations in the parking lot:

- The speed limit is **10 mph**.
- Drugs, Firearms, Alcohol, and Cameras are **not** allowed in Parking Facilities.
- Unsafe driving practices such as speeding or racing in the parking lot will not be tolerated.
- Personnel being picked up or delivered to the jobsite are responsible for the safe conduct and actions of those who are picking up or delivering them.
- Loitering, sleeping in vehicles or bringing pets on property is prohibited.
- Common courtesy will make the parking lot a safe place. Watch out for fellow employees.
- Items such as beer cans, guns or weapons, empty or spent gun shells, cameras, or other paraphernalia of this type cannot be left in vehicles that are on Motiva PAR property.


Transportation of Employees

- Transportation of passengers will only be permitted in the passenger compartment of vehicles.
- Employees will not be transported in the rear of vehicles.
- Safety Belts must be worn by all vehicle occupants (truck cabs or autos).

Refer to Motiva ES&H Policy, GEN0055 Rules for Operation of Motorized Vehicles

Transporting Loads

- The JV will, at a minimum, comply with the PG-1B 2.13 Lifting Operations and Cranes until a project specific plan is developed.
- Loads shall be adequately secured against displacement when being transported by vehicle and/or equipment.
- Loads, which project in front, back and/or to the side of vehicles or equipment must be flagged for visibility. A flagman will walk along with the load to assure safe clearances from approaching objects, vehicles, or pedestrians.
- Assure that there is no sudden acceleration or deceleration of moving loads.

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- A heavy haul plan will be developed for certain phases of the CEP.
- Tandem transport of equipment using cranes is not permitted unless approved in writing by the JV Construction Management Team and accompanied by an approved JHA.

Vehicle Operation (Vehicles)

- The speed limit on the jobsite is 20 mph (5 mph in construction or congested areas) or as posted. Employees may be written traffic violations for first offense and barred from driving on the site on the second violation. Reduce speed when dusty conditions prevail. Roads may be watered to reduce dust. Remain on the roadway; do not drive on the edge or in the ditch when the road is wet. Pedestrian traffic and bicycles have the right of way.
- Drivers/operators of vehicles/equipment shall strictly observe Project speed limits and all posted traffic signs.
- Employees operating vehicles/equipment are solely responsible for the safe operation of said vehicle/equipment including personnel and/or loads transported. All vehicle operators shall have a current driver's license.
- Operators of vehicles/equipment shall inspect them for defects before each use. Forklift & Aerial Lift daily inspections will be documented. Defective vehicles/equipment shall not be used. If the vehicle is equipped with Seat belts, their use will be required.
- Equipment provided with only an operator's seat shall not be used to carry passengers unless an approved personnel platform or seat has been provided.
- All construction vehicles/equipment, with the exception of pick-up trucks and cars, shall be equipped with an operable back-up alarm, which is audible above surrounding noise levels.
- Blades and buckets of earthmoving equipment shall be lowered to the ground when unattended and/or at the end of the workday.
- Engines shall be shut off during refueling operations, while unattended, or when maintenance is being performed. Keys must be left in ignition switch. Proper grounding and bonding procedures must be adhered to during any refueling.
- Cherry Picker operators must lower at least one outrigger when operator is not in the cab.
- Parking brake will be set when vehicle is not running and unattended.
- Employees should be aware of pinch points when working around mobile equipment.

Refer to Motiva ES&H Policy, GEN0055 Rules for Operation of Motorized Vehicles


Entering/Exiting Plant Property

Motiva PAR Security Personnel or the local police department may be utilized to direct/control employee vehicle traffic entering and/or exiting plant property in the a.m. and p.m. Failure to follow their instructions will result in disciplinary action up to and including removal from the project.

Motorized Construction Equipment and Vehicles

Subcontractors shall ensure that motorized construction equipment and vehicles (e.g. - Man lifts, scissor lifts, cherry pickers, backhoes, etc.) brought on site pass a documented initial safety and functionality inspection.

A competent person shall conduct inspections.

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Prior to being put in service, the responsible subcontractor shall provide verification of the pre-use inspection documentation to the JV CMT.

These inspections will be verified through the project audit process. Documented inspections must be kept on file for audit purposes.

All motorized equipment shall be maintained to manufacturer specifications and part of the documented inspection program.

20.3.7 Work Permits

The Crude Expansion Project (CEP) will be installed inside the Motiva Port Arthur Refinery (PAR), which is an operating facility. It is the intent of the project team to comply with all Motiva PAR site safety policies and safe work practices. Most of the CEP construction sites will be separate but inside the operating facility and referred to as the "CEP Open Areas":

- Sulfur Complex SBU2 – located plant west of the existing SBU / ARU
- Delayed Coker Area DCU2 – located plant north of the existing DCU
- Vacuum Crude Unit VPS5 – located plant south of the existing VPS4
- Hydro cracker / HCU2 – located plant west of the new SBU2
- Cat Feed Hydro cracker CFH – located plant south of the new HCU2
- Naphtha Complex – located in between the new CFHU and HCU2
- Power Station PS4 – located plant west of the new Naphtha Complex
- Fuel Gas Plant, flares, and pipe-racks – various locations in PAR
- Associated permanent buildings, lay down areas, API, tanks, and concrete batch plant (CBP)

All CEP construction interfaces with the operating processes at the Motiva PAR will be managed through the refinery permit processes to minimize potential hazards and impacts of construction activities on the site.

It is recognized that there are some potential hazards that the operating plant can impose on construction. With a strong partnership between refinery operations personnel, construction management, training, and knowledge of plant emergency procedures by the construction workforce, risks to personnel can be minimized to ALARP.


The CEP has split its work into four distinct work areas:

Brownfield Construction Areas

These are areas undergoing active excavation of underground obstructions and contaminated soils. Work performed in these areas will comply with PAR's Work Permitting procedure SHE0052. Once all excavation is completed these areas will be re-classified as CEP Open Areas prior to commencement of civil work.

CEP Open Areas

CEP open areas are defined as construction work areas with fixed boundaries that are free from underground obstructions and from sources of hydrocarbon or chemicals from the surrounding operating facilities. Work performed within these areas normally is less restrictive and are different from the current site permitting requirements. Work performed in these areas will comply with the JV work permitting procedures CP 219 and CP 220.

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Prior to any work commencing in designated CEP open areas, and at a minimum once a day, the defined perimeter will be permitted by Motiva personnel in accordance with normal PAR permitting processes.

PAR Operating Units

Operating units are defined as an area outside of the designated "CEP Open Areas" but within the boundaries of existing operating units where CEP work activities (re: tie-ins) must be performed. This could include work inside battery limits as well as work in operating pipe racks within the operating units. Work performed in these areas will comply with PAR's Work Permitting procedure SHE0052.

Outside Battery Limits (OSBL)

OSBL is defined as any area outside a designated "CEP Open Area" or existing Operating Unit. This includes construction of new pipe racks as well as work activities associated with existing pipe racks through out the site. Work performed in these areas will comply with PAR's Work Permitting procedure SHE0052.

20.3.8 Ownership and Accountability of CEP Work Sites during CEP Construction

Ownership in this case refers to who controls the permitting procedures and activities. During the CEP, all work areas will remain under the ownership of Motiva Operations and be permitted by the PAR. CEP Open Areas, once designated as such and delineated with a clear boundary, will be permitted as per the above mentioned procedure.

The JV is accountable for its work practices and procedures in all areas described above.

20.3.9 Blast Cleaning (Required by PG-1B, Appendix C, 2.1)

Health hazards arising from the grit from dust produced and from any surface coating present shall be identified and precautions specified. The abrasive material shall not contain sand or any form of silica.


Loose paint and deposits shall be removed from the surface before starting blast cleaning. The quantity of dust should be reduced by wet abrasive blast cleaning.

The area that might be affected by dust, grit or debris from the blast cleaning work shall be isolated by barrier or canvas and warning notices posted.

Blast cleaning shall always be considered as hot work, therefore all necessary precautions shall be taken to ensure the absence of flammable atmospheres.

Precautions shall be taken against electrostatic discharges. The metal casing and frame of the compressor and all other metal equipment in the area including scaffolding shall be earthed. Metal parts of the work piece shall be bonded together. Resistance to earth shall be less than 25ohm. All hoses shall be constructed of conductive rubber or be metal-braided to provide an electrical bond between hose and coupling. Hoses incorporating single bonding wires between couplings shall not be used. Aluminum alloy lances and fittings shall not be used in areas where flammable atmosphere might be present.

The lance shall be fitted with a device that shuts off the blast when released by the operator. All the cleaning equipment shall be located where it can be kept under constant observation by the cleaning team. The compressor shall not be left operating unattended.

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The cleaning team shall include at least one person wholly concerned with the operation and maintenance of the equipment supplying the lance. The cleaning team shall check daily before starting work and whenever the equipment is moved that earthing of the equipment and work piece are intact and that the equipment and hoses are in good condition. The blast cleaning team shall wear safety helmets, overalls with hoods, gloves, safety boots, and goggles or face visor, hearing protection and respirators/air hoods with a suitable protection factor.

20.3.10 Hand Made Tools

Handmade or job made tools are not allowed on the project. In the event a special tool is needed for a specific task for which no such manufactured tool exists, proper engineering design, specifications, and CEP Management written approval shall be obtained prior to construction of such a tool.

20.3.11 Compressed Air

Project personnel must not use compressed air to blow dirt from hands, hair, or clothing. They must not misuse compressed air or release it at another person. All compressed air used for equipment cleaning must be regulated to 30 psi and additional PPE will be required.

20.3.12 General Purpose Rubber Hose

Hoses shall be secured to tools by hose clips.

Air compressors shall have an OSHA approved air pressure check valve shut-off device at each air outlet connection to protect personnel in the event of an accidental disconnect or hose rupture.

At no time will employees use compressed air to clean clothing or for personal cooling purposes. Always direct air being discharged from air hoses away from you or any other employees in close proximity.

Refer to Motiva ES&H Policy, GEN0019 Proper Use of General Purpose Rubber Hose

20.3.13 Oxy-Acetylene Equipment

Only authorized and trained employees shall operate this type of equipment.

This equipment shall be kept clear of oil, grease or other hydrocarbons.

Oxy-Acetylene equipment shall be inspected for gas leaks and/or defects prior to use.

Oxy-Acetylene equipment shall not be exposed to sparks, slag, flame or other heat sources.


Flash back arresters are required to be located adjacent to the regulators and at the torch barrel connections.

For use in confined space entry, valves must be turned off and/or hoses removed from the confined space to avoid an asphyxiation or explosive hazard.

Refer to Motiva PAR Procedure, SHE0052 Instructions for Issuing Work Permits

20.3.14 Emergency Eyewash Stations and Safety Showers

Personnel must not use emergency facilities for other than an emergency. Identify emergency stations prior to beginning work.

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In remote areas or areas where an eyewash or safety shower is not readily accessible, temporary stations should be provided when handling corrosive chemicals or a chemical hazard are present – i.e. – demolition of existing underground piping, etc.

20.3.15 Electrical Safety (Required by PG-1B, Appendix C, 2.5)

Work on electrical installations including testing, inspection and maintenance shall only be done by qualified electricians authorized by the JV. Work on electrical equipment shall be governed by a set of Electrical Safety Rules based on the Group guide, Electrical Safety. In operational plants where such rules already exist, they shall be followed, and additional rules shall be implemented for the specific construction activities. On green field sites the JV will implement Electrical Safety Rules that are approved by Motiva CEP.

Temporary electrical installations and electrically driven equipment and tools shall comply with OSHA Electrical safety standards. The JV will implement a program for inspection and maintenance of all temporary electrical installations and electrically driven tools and equipment before it is brought on site and periodically thereafter.

The JV will appoint a qualified person to manage the program and to monitor that subcontractors are fulfilling the requirements.

20.3.16 System and Equipment Safety Lockout / Tagout (Required by CP 221)

It is a requirement to implement the referenced Lockout / Tagout procedure in order to provide effective control against the release of hazardous energy of all types including, but not limited to:

- Pressure (pneumatic, hydraulic, etc.)
- Mechanical (dynamic and kinetic)
- Electrical
- Thermal (steam, heat, etc.)


20.3.17 Fire Prevention and Fire Fighting (Required by PG-1B, Appendix C, 2.10)

Storage areas for flammable liquids, gas cylinders, explosives, etc., shall be located well away from work sites, field offices and welfare facilities, and from any ignition or excessive heat source. No Smoking signs shall be prominently posted at these storage areas.

The JV will set up a procedure for refueling mobile equipment, which shall include:

- Vehicles and mobile equipment to be refueled in an area that well away from the general work area and from any source of ignition including smoking. There should be a drain system and/or procedure to contain possible oil and fuel spillage in this area.
- Refueling of generators, welding machines, portable pumps etc. at the work sites to be minimized. Precautions to be specified and to include drip trays and "dead man's handle on filling nozzles.
- Vehicles and equipment to be turned off during refueling
- Empty fuel oil and lubricating oil drums/containers shall be removed from the work site.

The JV will provide suitable fire fighting equipment throughout the work site, field offices, storage areas and workers camp areas to deal with anticipated fire hazards, which include combustible material, electrical, hydrocarbons etc.

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The layout of the site roads shall allow easy access for fire fighting in all phases of construction and commissioning. The JV will implement a road closure permit system to ensure that access to all areas is maintained throughout the construction and commissioning. Where it will be difficult for the fire brigade with the mobile equipment to gain access a fixed or semi fixed fire extinguishing systems shall be provided.

All personnel, including office personnel, will be trained in using portable fire extinguishers.

The JV will rely on PARs Fire Brigade to respond to fires beyond the incipient stage.

20.4 Compliance Monitoring

JV will introduce focus observations as a means to monitor compliance to established safe work practices and procedures. Areas of emphasis will be linked to the path of construction and the corresponding path of risk.

Facilitated by line supervision and ES&H specialists, these procedure-specific compliance assessments, will facilitate swift corrective action on identified non-compliance and support identification of continuous improvement opportunities.

Focus inspections are located in the JV ES&H management system.

20.5 Documentation Requirements

Violation of general work rules will be dealt with in accordance with project disciplinary action plan.

20.6 JV Safety Procedures / Work Practices

The CEP will follow the series JV ES&H work practices which include:

- Core Processes Series 100 – ES&H Policies & Programs
- Core Processes Series 200 – Safe Regulations and Standards
- Core Processes Series 300 - Medical, Health, and Hygiene Requirements
- Core Processes Series 400 – Environmental Regulations and Standards
- Environmental Safety and Health Standard Work Process Procedures (SWPP's)

20.7 Attachments

20.7.1 Employee Handbook

21.0 EMERGENCY PLANNING AND RESPONSE


The Emergency Response Plan in its entirety has been developed and is attached as a separate document. Refer to "Emergency Response Plan – 25282-100-GPP-GHX".

22.0 OCCUPATIONAL HEALTH SERVICES

22.1.1 Managing Restricted Work Cases

It is the policy of JV to return an employee to productive work following an occupational injury or illness in keeping with the restrictions established by the treating physician and in a manner that will not expose the employee and/or other employees to additional harm or injury. JV Core Process CP300 provides additional guidance in this area.

22.1.2 Fitness for Duty

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CEP JV Safety Prerequisites (Fitness for Duty, Substance Abuse Testing, Background Checks and Training):

Employee Pre-employment Physical, Substance Abuse Screening, and Fit for Duty Process

Physicals – Requirements for pre-employment physicals to be revised by January 1, 2008.

Substance Abuse Screening - As a part of the fit for duty process, prospective employees must consent to and pass a substance abuse test prior to being considered for employment. This includes consent for future random, post accident, for cause, and reasonable suspicion substance abuse screening as a condition of employment.

Employee Background Security Checks – Before being granted access to the CEP at the Motiva PAR, all subcontractor personnel must consent to and meet the requirements of a background security check in conjunction with the ISTC training. The extent of the background check is pre-determined by Motiva PAR and will require a signed consent form by the prospective employee. This is an annual requirement.

Safety Council Training (ISTC) - All subcontractor personnel must have their current Contractor Safety Council Basic Plus cards and Motiva Port Arthur Refinery site-specific safety council training before beginning work on the project. This training is obtained by attending and successfully completing the Industrial Safety Training Council (ISTC) Basic Plus training course and the site-specific training course for the Motiva PAR. This training is an annual requirement.

CEP Site Specific Employee Orientation - All CEP subcontractor personnel must attend an initial JV CEP project specific ES&H induction/orientation before beginning work on the project. Subcontractor supervision shall be responsible for conducting an orientation which is to include the information received by the JV at the Pre-Work Conference.

Fitness to Work (Required by PG-1B, Appendix C, 1.6)

Fitness for duty

Standards have been established for workers working in high heat environments.

Refer to CP314


All CEP partner subcontractors must have a program in place to ensure that their employees are "fit for duty". As part of the "fit for duty" process, CEP employee applicants should be required to pass an initial physical exam prior to being considered for employment on the project.

All medical staff should undergo a pre-employment health assessment (Chest X-ray only if clinically indicated) and be considered for BCG and hepatitis B vaccination. All first aid providers should be encouraged to have Hepatitis B vaccination.

Employees using medication that may have an influence on performance shall be asked to report details to the medical staff.

Alcohol, Drugs, Substance Abuse

The JV will require CEP Subcontractors to have in effect before commencing work, a comprehensive substance abuse program for all subcontractor employees.

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The Subcontractor's program must include testing of subcontractor employees for the presence of prohibited drugs and alcohol before such employees are assigned to work on the CEP site. Contractor employees having access to the CEP site shall be drug/alcohol tested at least once per year. CEP Subcontractors shall randomly test to verify any/all employees are free of prohibited drugs and alcohol.

Any Contractor or subcontractor employee who tests positive for substance abuse shall be removed immediately from the job site and shall not be allowed to return to work site without prior written approval.

Refer to Motiva PAR Procedure, SHE0081 Requirements for Contractor Evaluation, Selection and Work Performance Monitoring

22.1.3 Health Care & Wellness

Back Injuries

- The project will implement a back injury awareness and education program, which will include:
- Orientation of new employees to the program at the time of hire on
- Development of a prevention based education/awareness program and facilitate training
- Implementation of a daily pre-job stretching routine

Food Handling

Where food preparation and consumption take place the regulatory and JV ES&H Management System requirements will be implemented to provide a sanitary environment.

Potable Water

Potable drinking water shall be provided for employees' for consumption and from taps for washing.

22.2 Occupational Health Exposures

Industrial Hygiene (IH) is an essential component of the Occupational Health Program. Its chief goal is to prevent occupational disease or injury through the recognition, evaluation and control of occupational health hazards. Providing a safe and healthy workplace benefits both employee and employers by improving health, morale and productivity.

As referenced in Section 4.5.3, An Industrial Hygiene Health Risk Assessment has been conducted to identify, assess, and control risks that may present exposures to people, property and environment. The hazard control process is a critical component of a work procedure. The objective of the risk assessment process is to introduce hazard controls early in the project by identifying risks associated with upcoming work.


22.2.1 Repetitive Stress Injury Prevention

As required medical personnel in conjunction with ES&H personnel will evaluate work methods, tools and PPE to identify potential repetitive stress injury risks. They will make recommendations for changes in process, work methods, and equipment based on their findings during evaluations.

22.2.2 Noise Exposure

Occupation noise exposure will be controlled on the project inline with JV Core Process 312, Hearing Conservation Program.

22.2.3 Radiation

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Health staff employees, pipe x-ray technicians or other employees exposed to radiation while taking x-rays will follow the requirements defined in JV Core Process 309, Radiation Protection Program and appropriate job specific procedures.

22.2.4 Hexavalent-Chromium

The JV Industrial Hygiene Department has developed and published a stand-alone procedure to address Cr (VI) risk and exposure control.

Refer to Project Document "Hexavalent-Chromium Procedure"

22.2.5 Lead

Occupational exposure to lead is not foreseen on this project. If conditions change refer to JV Core Process 307, Occupational Exposure to Lead.

22.2.6 Airborne Contaminants

Formal Industrial Hygiene monitoring will be conducted to ensure that all identified and anticipated health hazards are properly controlled. The JV CMT will ensure that:

- Appropriate IH monitoring is conducted
- The exposure monitoring results and any corrective measures are reviewed with the affected employees
- That the data is evaluated for potential health hazards
- That corrective action is implemented as necessary

Documentation of monitoring when performed will be maintained at the JV Safety Office and/or Motiva PAR Facility.

22.2.7 Asbestos

All asbestos abatement for the CEP shall be conducted by qualified and licensed asbestos abatement subcontractors.

Prior to the start of any demolition or renovation projects, Motiva PAR/CEP will ensure that an adequate inspection for the presence of Asbestos Containing Materials (ACM) has been performed.

Proper management of asbestos abatement procedures, asbestos barricades, chemicals and MSDS used during ACM removal, e.g. mastic removal using solvents, will be the responsibility of the abatement subcontractor with oversight by the CEP CMT.


Proper characterization and disposal of wastes resulting from ACM removal projects will be the responsibility of Motiva CEP under PAR requirements.

22.2.8 Hydrogen Sulfide (H₂S) & Lower Explosive Limit (LEL) Gas Monitoring

CEP work crews will be working in three basic areas of the PAR: CEP Open Areas (new construction); Out Side Battery Limits (OSBL) and Inside PAR Operating Units. Most all of these areas are either near, adjacent to or within operating refinery processes, tank farms or active pipe racks. The major concern with respect to potential releases from these operating areas is flammable hydrocarbons and hydrogen sulfide gas.

Following are H₂S/LEL gas monitoring requirements for these work areas:

CEP Open Areas (New Construction)

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- Protect the **exposed perimeter** of these areas with fixed-point H2S and LEL monitors equipped with both visual and audible alarms set for 10 ppm & 10%, respectively.
- **Exposed perimeter means the perimeter most likely to be impacted by hydrocarbon / H2S releases from PAR operating units / tanks/pipe racks containing products with the potential for releasing hydrocarbon / H2S gas.**
- Select members of each work crew working under the JV STARRT CARD process will be required to wear a personal H2S monitor set for visual/audible alarm at 10 ppm.

Out Side Battery Limits (OSBL)

This applies to all CEP work crews working in any area of the refinery except:

- Open Areas (lay down yards, parking areas, contractor trailers, lunch tents, module staging, etc.)
- CEP Open Areas (new construction – DCU2, VPS5, etc)
- Areas North of Savannah Ave. (Alligator Bayou reroute)
- The Motiva DPR issuing the Work Permit will test the work area for H2S & LEL prior to issuing the permit.
- **All members of the work crew must wear a personal H2S monitor.**

PAR Operating Units

This applies to all CEP work crews working within the battery limits of operating units or tank farms.

- The Motiva DPR or unit operator issuing the Work Permit will test the work area for H2S & LEL prior to issuing the permit.
- **All members of the work crew must wear a personal H2S monitor.**

22.3 Documentation Requirements

Documentation requirements related to health services are to be stated in the project occupational health plan.

22.4 Resource Documents


JV Core Process 300, Medical Services and Management
 JV Core Process 301, Medical Surveillance
 JV Core Process 303, Medical Emergency Evacuations
 JV Core Process 307, Occupational Exposure to Lead
 JV Core Process 309, Radiation Protection Program
 JV Core Process 312, Hearing Conservation Program
 JV Core Process 314, Heat Cold Stress Prevention

22.5 Attachments

22.5.1 First Aid Summary

To be developed

22.5.2 Medical Treatment Form

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To be developed

22.5.3 Occupational Injury Management Flow Chart

To be developed

22.5.4 Drug & Alcohol Policy

The project Drug and Alcohol policy consists of pre-employment, annual, for cause, and random testing following the DOT 5 panel format. The policy in its entirety can be found with the project Industrial Relations group. Reference the BECON "Field Personnel Policy Manual", section 208.

23.0 DOCUMENTATION & RECORDKEEPING

23.1 General

JV ES&H and Contractors are required to retain records and documents related to ES&H activities on the site.

The duration of document retention must be a minimum of project duration with turnover processes to be established.

23.2 Definitions

23.3 Responsibilities

Site ES&H Manager is responsible to:

- Administer ES&H recordkeeping system.
- Establish record keeping guidelines including a record retention plan.
- Regularly audit ES&H records to ensure compliance with established requirements.

Mechanical/Maintenance department is responsible to:

- Maintain Pre-mobilization and equipment inspection records.

Subcontractor Manager is responsible to:

- Maintain records in accordance with project requirements
- Forward required records to the JV Contract Manager

23.4 Documentation & Recordkeeping Requirements

23.4.1 General Recordkeeping Requirements


JV has established ES&H recordkeeping requirements. Records will be stored and maintained so that they are readily retrievable and protected against damage, deterioration, or loss. Due to the confidential nature of the material (e.g. medical records), certain records will be stored in a secured area.

The ES&H Manager will determine a record retention policy (i.e. how long specific records must be maintained). As a rule, all records will be maintained until the end of the project at which time they will be boxed and archived. All file boxes will be labeled to identify contents and will include a destruction date if applicable.


In the case of inspections, investigations, and meeting minutes, records must include follow-up on identified corrective actions.

23.4.2 JV Recordkeeping Requirements

As a minimum, an ES&H recordkeeping system will contain the following records:

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- **Leadership**
 - ES&H Management System
 - Work Refusal Reports
- **Planned Inspection and Audits**
 - Planned Inspection Records
 - Informal Inspection Reports
 - Documentation of Inspections by Regulatory Agencies
 - Area Construction Managers Assessments
 - Pre-Mobilization Equipment Inspections
 - Crane Certifications
 - PMO External Audits
- **Communication**
 - Employee Concerns
 - One-On-One Personal Contacts
 - Safety Alerts and Postings
 - Weekly Tool Box Meeting Minutes
 - Daily Pre-Job Meeting Minutes
 - Construction Managers' Daily Safety Meeting
 - Monthly Stewardship Meeting
 - 100% Safe Team Minutes
 - Project Area Statistics
- **Incident Management (Reporting Recording & Investigation)**
 - Incident Trend Analysis
 - Injury/Illness Reports
 - Incident Investigation Records and associated documentation
 - Near-miss reporting
- **Training (company, project and skill specific requirements)**
 - Training delivered
 - Course Outlines
 - Attendees
 - Training delivery dates
- **Environment**
- **Waste Records**
 - Water Record
- **Soil Records**
- **Product Approval Applications**
 - Inspection Report
 - Environmental Action Items List
 - Monthly Environmental Compliance Summary
 - Regular Environmental Inspections
- **Subcontractor Controls**
 - Copies of subcontractor pre-qualification documents
 - Minutes from Pre-Award Meeting
 - Minutes from Pre-Construction Meeting
 - Weekly ES&H Summary Report
 - Copies of Confirmation of Non-compliance with Contract ES&H Requirements
 - Issued to the subcontractor
- **People Based Safety**
 - Record of Observation Team Training

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- Behavior Observation Team Minutes
- **Recordkeeping**
 - Injury/Illness Statistics
 - Project Specific ES&H Plan
 - Hours Worked
- **Work Procedures & Methods**
 - Hazard Assessment and documented employee reviews
 - Copies of any Job Hazard Analyses and documented employee reviews
 - All *Work Permit* documentation as required by applicable JV controlling procedure
- **General Rules**
 - Record of administered disciplinary action (in Labor Relations files)
 - Record of training associated with specialized personal protective equipment
- **Office Safety**
 - Safety Meeting Minutes
 - Planned Inspections
 - Recognition & Awareness
 - Awareness Campaigns
- **Recognition Activities**
- **Emergency Response Plan**
- **Occupational Health Services**
 - Injury/Illness records
 - Fitness for Duty documentation
 - Health Services staff qualifications and training records
 - Medical Treatment protocols

23.4.3 Contractor Recordkeeping Requirements

Subcontractors are expected to maintain their own ES&H records. JV will have access to contractor records for the purposes of verification and evaluation (i.e. right to audit).

Project subcontractors will be expected to regularly submit the following records to the contract supervisor:

- Planned Inspections complete with follow-up on substandard items identified
- Incident Investigations (completed investigation including follow-up on identified remedial actions; incident investigations shall include reference to whether drug and alcohol tests were considered and/or administered per the project Alcohol and Drug (A&D) Policy Note: in the event an A&D test is administered, the contractor shall advise the JV Site Manager whether the individual(s) were found to be in compliance or in non-compliance with the project A&D policy and work rule. This advisement may be requested in writing to maintain accurate project files)
- Communication - Weekly General Meeting - complete with follow-up on concerns raised
- Training Matrix detailing the contractors training plan
- Weekly statistical summary report
- Copies of any reports issued as a result of visits or inspections conducted by regulatory agencies
- Certification documentation as required (e.g. cranes)
- Copies of material Safety Data Sheets for the controlled products being used by the contractor.

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The following records will be maintained on the contractor file, but available for review by the JV:

- Pre-use Equipment Checklists
- Training Records
 - Course outlines
 - Copies of attendance lists for training provided to workers
- Signed copy of the company specific orientation checklist
- Communication - Daily Pre-job meetings - complete with follow-up on concerns raised
- Copy of Project Hazard Assessment
- Copies of task specific work procedures

23.5 Safety Metric, Records, & Reporting

It is the project policy that all incidents and environmental releases, regardless of severity, are reported immediately to the JV.

These incidents include potentially serious injuries (near misses), illnesses, equipment damage, toxic gas leaks or environmental spills.

The JV shall report all injuries, illnesses, damage and environmental incidents to the Motiva CEP HSSE Manager and shall be investigated by JV and subcontractors management. The extent of investigation and analysis shall be based on the RAM risk rating of the Incident.

The JV shall provide the Motiva CEP ES&H Manager with regular reports of ES&H performance including injury, illness and environmental statistics, details of health, safety and environmental incidents and the leanings from near misses.

Fatalities and major damage incidents or high risk incidents and near misses with significant learning value shall be analyzed according to the Tripod method to identify the underlying latent failures

The reporting of near misses and hazards shall be actively promoted as part of creating a "no blame" culture and a "One Site Team".

Refer to CP107


Occupational Accident / Illness Reporting and Investigation

Subcontractors who have experienced or suspect they have experienced a work-related injury/illness are required to immediately report all actual and suspected work-related injuries/illnesses to their supervisor, regardless of how minor the injury/illness may seem at the time.

Subcontractors shall notify the JV ESH Department immediately of the injury/illness and shall submit a written report within 24 hours of discovery of the injury/illness. This Initial report shall detail the injury/illness and provide a contact name and number.

Subcontractors and the JV ESH Dept. will investigate the incident and provide Motiva CEP ES&H Manager with an investigation report within 2 Days (48Hours) of discovering the worker injury/illness, detailing causes of the incident and actions taken to prevent the recurrence of the same type incident. The report will also show whether the injury/illness is classified as a first aid, OSHA Recordable, days away, or not work-related.

If an incident occurs involving a Subcontractor's work that resulted in, or could have reasonably resulted in a catastrophic release of highly hazardous chemical or other major event as determined by PAR's ES&H Department, PAR will form an investigation team. The investigation

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team will consist of at least one person knowledgeable in the process involved. The Subcontractor will be required to provide an employee who will be a member of the investigation team. The incident investigation will be initiated as promptly as possible, but no later than 48 hours following the incident.

- Incident findings and recommendations will be promptly addressed.
- Resolutions and corrective actions will be documented.
- The report of the incident investigation shall be reviewed with the Subcontractor's employees whose job tasks are relevant to the incident investigation findings.
- Incident investigation reports will be retained by the Motiva ES&H Department for a period of five years.

All reports and investigations must include a determination of the cause of the incident, any "Unplanned events" occurring as well as corrective actions to be taken to prevent recurrences. Corrective actions taken shall be fully documented. The goal of each incident investigation is to identify hazards and take prompt corrective actions.

Refer to CP107

23.6 Deliverables

23.6.1 Monthly Safety Report

Subcontractors will provide the JV ES&H Department injury/illness summary information monthly. A Monthly Safety Report form and instructions are provided during the Pre-Work Conference.

The JV ES&H Department will maintain a record of contract employee injury and illness related to Subcontractors' work in PAR process areas for a period of five years.

The JV ES&H Manager will maintain a record of all subcontractor injuries/illnesses resulting from work on the CEP project. A monthly Safety Report will be issued by the JV ES&H Manager to the Motiva CEP ES&H Manager, CEP Management Team and all subcontractor companies associated with the CEP

Refer to CP104

23.6.2 First Aid Log

This record should reflect how the injury occurred and what medical care was administered by the medical attendant, or if the employee was referred to a physician. The first aid logs records the date and time of injury/illness, employee's name, his employee ID number, supervisor, and the type of injury, treatment given, and patient disposition. All Injuries must be reported to the JV ES&H Department so that the injury can be recorded and investigated.

23.7 Documentation of ES&H Management Plan Changes


Changes to the ES&H management plan will be accomplished by means of a formal revision.

Revisions must be reviewed and approved by the Project Director and Site Manager. Revised copies will be reissued to PMT Members, Site Management and Company.

23.8 Work Practices and Variance from Procedures

Any deviation from procedures, or requests for variances to work practices, must be approved by the JV and Motiva Management team. If a consensus is reached the new procedure/variance will be incorporated into the Safety Management Plan in the next revision.

23.9 Compliance Monitoring

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Spot audits will be conducted to verify that records are being maintained in accordance with established requirements.

23.10 Documentation Requirements

Personnel are required to comply with the above document requirements.

23.11 Resource Documents

JV Core Process 104, Monthly Safety Performance Report and Safety Data System
JV Core Process 107, Reporting and Investigating Near Miss Incidents

24.0 ATTACHMENTS


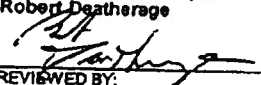
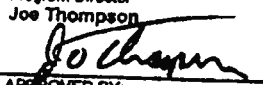
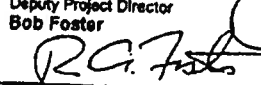
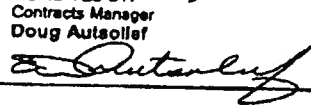
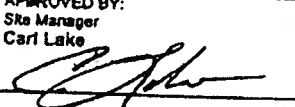
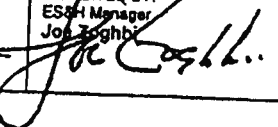
- A – IFF
- B – Sub-contractor Pre-qualification Process Map
- C – Hazard Risk Assessment

25.0 FORMS

- Monthly Safety Performance Report
- Injury/Illness Summary Report
- JHA/STARRT Card
- Near Miss/Unsafe Condition Report
- 0 – 60
- Category 3 Incident Report
- Environmental Incident Report
- Hazardous Material Evaluation Form
- Approval For Hazardous Material Use Form
- Hazardous Material Inventory Form
- Powered Industrial Truck Daily Inspection Form
- Vehicle Inspection Checklist

EXHIBIT

F-1

 JACOBS <small>A BECHTEL-JACOBS JOINT VENTURE</small>		MOTIVA CRUDE EXPANSION PROJECT MOTIVA ENTERPRISES, LLC PROJECT 25282 EMPLOYMENT CONDITIONS AND WORK RULES		NO. 25282-583-GPP-999-01503 REV.: 2 PAGE: 1 OF: 31 EFFECTIVE: 11/15/2010	
EMPLOYMENT CONDITIONS AND WORK RULES					
PREPARED BY: Industrial Relations Manager Robert Deatherage 		REVIEWED BY: Program Director Joe Thompson 		REVIEWED BY: Deputy Project Director Bob Foster 	
REVIEWED BY: Contracts Manager Doug Autsolet 		APPROVED BY: SAs Manager Carl Lake 		REVIEWED BY: ESH Manager Joe Zoghbi 	

MOTIVA CRUDE EXPANSION PROJECT

EMPLOYMENT CONDITIONS, WORK RULES, & ENVIRONMENTAL, SAFETY AND HEALTH HANDBOOK

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EMPLOYMENT CONDITIONS AND WORK RULESNO. 25282-583-GPP-999-01503
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Page 2 OF 31**Welcome!**

The Crude Expansion Project Team (CEP) recognizes that an effective Safety Program can only be achieved through sound management, planning, control and accountability. Each employer must be committed to provide each worker with a work environment and project culture that recognizes potential hazards and to provide the training and leadership necessary for workers to perform their job in a safe and healthful manner. The MC CEP team cares about the safety of everyone working on the project site.

Each manager, supervisor and employee of every contractor working in the field shares the responsibility for an effective safety program.

The CEP Safety Program is proactive rather than reactive, and is based upon the belief that all accidents and injuries are preventable.

It is extremely important that you understand how each task is to be performed in a safe manner – and if you do not know or you observe an at-risk act or unsafe condition, you are EMPOWERED to STOP the activity. Ask before you begin work. Your safety and well being, as well as the safety and well being of fellow workers can only be accomplished through your constant, sincere effort. Merely talking about safety will not make safety a fact.

BEYOND ZERO**What is Safety?**

- Safety is - Going home to your families in the same condition you left.
- Safety is - Performing your daily tasks in the safe manner using your training and common sense. If you don't know, ASK.
- Safety is - Protecting people, equipment and the environment.
- Safety is - Not an option on this job, IT IS A REQUIREMENT.
- Safety is - Equally important off the job, IT IS A WAY OF LIFE.

In addition, Motiva has 12 life saving rules that apply to all contractors/subcontractors and workforce on Motiva property. These rules are:

1. Work with a valid work permit when required.
2. Conduct gas tests when required.
3. Verify isolation before work begins and use the specified life protecting equipment.
4. Obtain authorization before entering a confined space.
5. Obtain authorization before overriding or disabling safety critical equipment.
6. Protect yourself against a fall when working at height.
7. Do not walk under a suspended load.
8. Do not smoke outside designated smoking areas.
9. No alcohol or drugs while working or driving.
10. While driving, do not use your phone and do not exceed speed limits.
11. Wear your seat belt.
12. Follow the prescribed Journey Management Plan.

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The goal of the CEP team is for all workers to receive the information and training necessary to perform their work in a safe and healthful manner each day without incident or injury both on and off the job.

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EMPLOYMENT CONDITIONS AND WORK RULESNO. 25282-583-GPP-999-01503
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Page 5 OF 31**Project Work Rules**

These Project Work Rules apply to all work being performed for the Motiva Crude Expansion Project, whether that work is performed at the Port Arthur Refinery (PAR) or in off-site support. These Project Work Rules do not replace an employee's requirement to adhere to their specific employer's company policies, procedures and work rules.

All Contractor employees must successfully complete the Industrial Safety Training Council's (ISTC) Basic Plus and Motiva Site Specific training. The Basic Refresher and site-specific training are required annually.

All Contractor employees must have a current Transportation Worker Credentials (TWIC) in their possession or a background check must be completed before the employee may begin work. TWIC and/or background checks and must be updated prior to their expiration date. Transportation Worker Identification Credentials (TWIC) are required in designated areas of the property. Your employer is responsible for insuring your compliance with these ISTC training and TWIC/background site entry requirements. Failure to comply with these work rules or the ISTC and/or TWIC requirements will result in site access restrictions and/or your removal from the project premises.

Each CEP Contractor employee will be issued a Motiva CEP site scan identification card to record entry and exit into Motiva CEP gates/turnstiles. All persons entering or leaving the Motiva CEP site must scan in and out on the gate/turnstile scan device. In addition, most contract employees are required to scan in and out on the CEP clock scan device. Your employer will advise you if you are exempt from the CEP clock scan device. Motiva CEP issued scan identification cards must be displayed at all times while on CEP and PAR property except when required to surrender prior to confined space entry.

Motiva Enterprises, LLC. is the Owner.

Bechtel Jacobs Joint Venture (JV) is providing direct construction and also is Managing Contractor (MC) for the Owner.

Equal Employment Opportunity

The CEP Team endorses and practices equal employment opportunity for all. There will be no discrimination or harassment on the basis of race, color, religion, sex, age, national origin, handicap or status as a veteran. This policy extends to all terms and conditions of employment, as well as the use of all Project facilities and participation in all Project-sponsored activities.

Hours of Work and Holidays

Before workers can begin work on the Project, they must attend the Crude Expansion Project (CEP) Orientation and Safety training and be badged for site entry.

The current standard Project work week is scheduled to be 48 hours with 10 hours Monday through Thursday and 8 hours on Friday.

Work hours may vary according to the needs and practices of the contractor. All workers' have the responsibility to verify their work hours with their employer. The current site work hours for the

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MOTIVA CEP Project are 7:00 a.m. - 5:30 p.m., Monday through Thursday and 7:00 a.m. - 3:30 p.m. on Friday. Workers are expected to be in their assigned work areas at start time.

Project work hours, work times, and workdays are subject to change depending on Project needs. Additional work hours or fewer work hours may be mandatory based on the needs of the Project and workers are to be advised as schedule changes occur.

The current lunch period is from 12:00 p.m. through 12:30 p.m. All workers must bring all of their lunch items with them. No glass containers are allowed. Lunch periods may be staggered for different crafts depending on the number of people onsite. Contractors/Subcontractors must advise their employees of the details of the lunch period. Breaks will be taken at place of work unless otherwise directed.

One break will be allowed each day at a time specified by contractor/subcontractor management.

Due to the nature of the construction business, sometimes it may be necessary for workers to work modified schedules, including Saturdays, Sundays, and holidays. Work schedules and work assignments are based on these Project requirements.

Project official holidays are generally recognized to be Christmas Day, Independence Day, Labor Day, Memorial Day, New Year's Day, Thanksgiving Day and the day after. During weeks in which a holiday occurs, the Project may modify work schedules to accommodate Project needs.

Bulletin Boards

Bulletin boards will be located near the CEP time clocks. Notices, schedules and other information of interest and importance to you will be posted on these bulletin boards. Workers are expected to check the bulletin boards each day for information, which could affect them. Bulletin boards are for official use only. Unauthorized material will be removed from bulletin boards immediately.

Telephone Calls / Other Electronic Devices

As on most construction sites, the work force is distributed over several areas making it difficult to contact employees for personal calls. However, should Contractors/Subcontractors receive an emergency call the call will receive the Contractors/Subcontractors prompt attention and the worker will be notified as soon as possible. Workers are not notified of personal, non-emergency telephone calls.

The use of personal cellular phones is limited to designated lunch and break areas only. Outside the designated areas cellular phones **MUST BE TURNED OFF**.

Note: Personal cell phones with cameras are not allowed onsite or on Project property, such as laydown areas and logistics center.

Use of cellular telephones and two-way radios, in either hand-held or hands-free mode, by the driver of a motor vehicle is strictly prohibited while the vehicle is in motion. Any violation of this policy will result in immediate disciplinary action up to and including removal of the worker from the project. This includes receiving incoming calls. For authorized users, a cellular telephone or two-way radio must be used only when the vehicle is safely parked in a designated parking area.

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EMPLOYMENT CONDITIONS AND WORK RULESNO. 25282-583-GPP-999-01503
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Page 7 OF 31**Two-Way Radio Exceptions are:**

1. Operating heavy equipment (such as cranes, forklifts and other similar heavy equipment) where the use of two-way radio is necessary to insure safe operation and mitigate hazards while in transit.
2. Severe weather conditions requiring monitoring.
3. Personal emergency (e.g.) family crisis).

Designated emergency response personnel ONLY may use a cellular telephone in hands-free mode or a two-way radio while driving to respond to an emergency or security incident.

The use of iPods, Gameboys or any other electronic entertainment device that can cause diversion shall not be allowed at any work locations.

Smoking

Smoking is permitted ONLY:

- In designated areas.
- Before and after work.
- At lunch time.

Smoking is not permitted at break periods.

In the event of an emergency, extinguish all cigarettes IMMEDIATELY.

ONLY "safety matches" and lighters that cannot spark or light by dropping them are permitted in the Refinery. "Strike Anywhere Matches" are prohibited.

Vehicles

All federal and state traffic regulations apply inside the refinery. All vehicle operators must have a valid driver's license and be authorized accordingly to operate any company vehicle. Contractor/Subcontractor workers must park in their designated parking areas.

1. When it is necessary to park in an area that is not a designated parking area, be aware of underground lines, stub-up connections, fire hydrants and monitors, and other possible critical equipment. Leave the doors unlocked and the keys in the ignition in case of an emergency. If it is necessary to park along roadways, park the vehicle without obstructing other vehicles or emergency equipment, and do not park next to ongoing construction activities.
2. When parking in operating areas, pull clear of the roadway. Do not block access to fire lanes or to any emergency equipment.
3. The maximum speed limit within the refinery is 20 mph and slower where marked. Construction areas' speed limit is 5 mph. Do not exceed these speed limits.
4. Riding in vehicles:
 - a. Seatbelts must be worn at all times.
 - b. Passengers are not allowed to ride in the bed of a pickup or on flatbed trucks.

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- c. There shall be no riding on bumpers, tailgates, or running boards.
- d. Each vehicle occupant shall occupy a specifically designed seat. No more than three individuals shall be in the front seat of any vehicle.
- 6. All vehicle accidents occurring on the Jobsite or any support area, such as laydown areas, must be reported immediately to the contractor/subcontractor supervision. The contractor/subcontractor is responsible for further reporting and investigating the accident. Failure to report vehicle accidents or any damage no matter how minor will result in action up to removal from the project.
- 7. During emergencies all non-emergency response personnel should pull off the road when emergency alarm is sounded. Personnel in vehicles must walk to the nearest evacuation area.
- 8. Vehicles must not be left running while unattended.
- 9. Project vehicles are not to be used for personal business.

Walking

Pedestrians should walk within designated pathways between work place locations and the lunch, break, parking and bus stop areas. Whenever walking along a roadway, pedestrians should walk on the left side of the road facing oncoming traffic whenever possible.

All pedestrians shall yield to rail traffic. Crossing over, under, or between railroad cars, moving or at rest, is strictly forbidden. Catching rides on rail cars is also forbidden.

Camera Use

Other than for approved authorized use, cameras/camera phones are not permitted in the refinery.

Clothing and Appearance

Fire retardant clothing (FRC) is generally required in all areas except permitted and green belt areas. Where fire retardant clothing is not required, a minimum of long-sleeved shirts are required in construction work areas (except office personnel). The sleeves are required to be rolled down at all times. Trousers with large bell-bottoms, shorts or dresses are not allowed.

Loose fitting clothing, rings, hoop earrings and other jewelry shall not be worn around operating tools or machines. Stud earrings will be allowed. No other visible body piercing items will be allowed.

Sturdy safety toe, leather, above the ankle work boots with a defined heel are required.

Anyone working on the project with long flowing and uncontained hair longer than the top of his/her shoulders must tie-up and restrain the hair within the hard hat, coveralls, shirt or jacket collar. No facial hair shall be worn that would interrupt a seal on a half or full-face respirator. Hard hats must be worn with the bill forward, no exceptions.

Badging In and Out

Most workers are required to badge in and out of Motiva CEP gate clocks and their contractors time tracking system as required upon entering or leaving the Jobsite through designated CEP gates/turnstiles. No worker may, for any reason, badge in or out for another worker. Doing so is a violation of Project policy and may result in immediate removal from the Project for both employees.

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Each worker is expected to be at his or her assigned area at the scheduled work time and to remain there until the scheduled quitting time.

Visiting other Areas

Workers must remain in their own work areas, except when their duties require that they go to another work area as directed by their employer.

Property Removal

It is not permissible to remove either the Project's or Motiva's property from the Project for personal use. Unauthorized removal of this property will result in immediate removal from the Project and/or legal action. Each contractor/subcontractor's tool room attendant should check in personal tools brought on the job. This will enable workers to obtain a gate pass to remove tools when necessary.

Project Security

All personnel entering and leaving the Project shall submit to an inspection of lunch boxes or other parcels upon the request of the security guard or an assigned Project representative. Any vehicle entering or leaving the Project is also subject to inspection. Refusing to allow a search is grounds for immediate removal from the Project.

Drugs and Alcohol

The use of controlled substances (alcohol and non-prescribed drugs) on the Project is expressly prohibited and will result in immediate removal from the Project. Taking someone else's prescription is illegal and a Project removal offense as well.

Workers are responsible for reviewing their use of prescription and non-prescription drugs with their personal physician to ensure that any such use of medication does not negatively affect the safe performance of their specific job duties. The use of prescription medication should voluntarily be registered with the medical department on the Project if such medication may affect the employee's alertness, coordination, responses or ability to operate machinery or perform job duties, or may impair or affect emergency medical treatment that may be administered in the event of industrial injury at the site.

The CEP management reserves the right to require any worker using prescription drugs to provide a doctor's certification that the use of the drug will not impair the ability of the employee to perform job duties properly and safely. Any worker who takes a controlled substance under instructions from his or her physician should voluntarily inform the Project nurse and must show the prescription or doctor's order.

Workers will not be permitted to work while under the influence of a prescribed drug if the prescribed drug causes effects which pose a serious risk to the health and safety of the employee or their fellow workers

All workers are subject to submit to random, reasonable cause or suspicion and/or post-incident drug or alcohol screening. Refusal to participate or inability to provide a sample within two hours of the initial request for screening will result in immediate removal from the Project.

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EMPLOYMENT CONDITIONS AND WORK RULESNO. 25282-583-GPP-999-01503
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Page 10 OF 31**Labor Harmony**

To define the terms whereby employees who quit or are terminated by one contractor/subcontractor to work for another contractor/subcontractor on the CEP Project, the following applies:

- Qualifications include a minimum waiting period of 60 days from date of contractor/subcontractor employee termination before rehiring on the CEP Project.
- Rehire eligibility is determined in part by the Owner's permission to reenter the site. Thus the reason for termination from one contractor/subcontractor may preclude the ability of the worker to be permitted back onto the Project and access to PAR.
- The waiting period does not apply to contractor/subcontractor reduction in force.
- The terms do not limit employees from working for any contractor/subcontractor off the CEP Project.

Solicitation

Solicitation and distribution of literature by non-employees on project premises is prohibited at any time. Solicitation by any worker is prohibited during working time. Distribution of literature by workers on the MC/Owner premises during work time or in working areas is prohibited. Working time is described as the time workers are expected to be working and does not include authorized breaks, such as meal periods, etc. Working area is defined as an area where work is regularly performed. The only non-working area inside the plant boundaries are the lunch facilities and restrooms.

Workers may be solicited only when all employees involved are on non-working time.

Failure to comply with this policy will result in the violator being denied further access to the project site. Any questions concerning the solicitation rule should be referred to Project management.

Project Transportation

Contractor/subcontractors employees will be advised by their employer where their workers are to park and catch transportation to their place of work. The same rules of conduct apply to these areas and the transport vehicles as the CEP site.

Attendance

Excessive absenteeism is not an expectation of the CEP team. Contractors/subcontractors are expected to exercise appropriate attendance control and to take corrective action up to and including removal of offenders from the Project.

As with absenteeism, tardiness interferes with performance of an employee's job and delays the work of others. Workers are expected to be in their work area at the beginning of their shift and after breaks. There may be occasions where Project shut downs occur due to threatening weather from hurricanes or other cause. The Project will post alerts on a toll free call in line to keep you advised of Plant closures and related information. The Information Broadcast call In number is 888-881-6578 and can be accessed 24 hours a day.

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EMPLOYMENT CONDITIONS AND WORK RULESNO. 25282-583-GPP-999-01503
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Page 11 OF 31**Rules of Conduct****Leadership Covenants**

CEP Project management believes that employees and those seeking project employment should be treated with respect, trust and dignity. We promote this belief through adoption of the following Leadership Covenants. The Covenants require that we:

- Treat colleagues with mutual respect, trust, and dignity and believe that they are acting in the best interest of the project.
- Help each other; ask for and give help and welcome it freely (it is not a sign of weakness). Go out of the way to provide extra support to fellow employees. Share experiences and lessons learned, both successes and failures.
- Communicate early, honestly and completely with all who have direct interest in the subject. Listen to others' points of view.
- Earn trust by accepting and honoring agreements, keeping promises, and discussing needed changes before acting.
- Work to understand the CEP Team goals and strategies and proactively support them through discussions, communications and actions (for example sharing resources).
- Never undermine colleagues directly or indirectly.
- Work jointly to resolve disagreements in good faith. If necessary, go to a higher authority together, then accept and support the solution.
- Contribute constructively by exercising the highest level of professional and ethical behavior.

The CEP Team promotes continuous use of these covenants, and asks CEP project employees to promote the use of these covenants, in our quest to be the Project of choice.

Rules of Conduct – Related to Transportation

Specifically related to Project furnished transportation onsite and offsite, the following rules of conduct are applicable:

- No fighting.
- No verbal abuse of driver or other verbal altercations.
- No exiting before drop-off.
- No tobacco use, alcohol or controlled substance of any kind.
- No littering.
- No running or horseplay.
- No vandalism.
- No guns or weapons.

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- No inappropriate literature that can be construed as offensive

Common Jobsite Rules of Conduct

Listed below are some of the more common work rules of conduct that, if violated, will result in removal from the Jobsite. This list is not all-inclusive; good judgment and common sense will dictate whether behavior is or is not acceptable. The work rules contained in this handbook will apply to the entire CEP workforce. In addition, there may be some rules that are specific to your employer and your area of work – your foreman or general foreman will explain these in detail to you.

The site removal work rules category includes but is not limited to the following:

1. Violation of the Motiva 12 life saving rules listed previously in this booklet.
2. Taking unauthorized photographs.
3. Physical assault of another worker or supervisor.
4. Possession or use of alcohol and or controlled substances.
5. Willful or negligent damage to Motiva property.
6. Unauthorized removal of Project or Motiva property from the site.
7. Carrying weapons, firearms or ammunition.
8. Violation of project smoking policy.
9. Failure to comply with the Project Equal Opportunity Employment Policy
10. Display of offensive jokes or graffiti
11. Failure to utilize 100% fall protection while working at heights of six (6) feet or above

First Aid

- First Aid and medical care is available if a worker is injured or becomes ill during the course of employment. Qualified personnel are available to render treatment provided in accordance with protocol established by a physician.
- Report all injuries to your supervisor.
- Never move an injured or seriously ill person unless necessary to prevent further injury.
- To report an emergency, contact the nearest supervisor, Nextel number one emergency channel or call: 3333 on a PAR Motiva phone or call 409-985-4316.
- If you have seen a physician due to a non-work related injury or illness, a full release to return to work slip is required before returning to work on the project. You are obligated to inform your employer of the injury or illness on the first day when you return to work and present the return to work slip to the Site Medical Facility. Your employer in consultation with the Medical Professionals can determine if any reassignment to tasks or other clearances are required before you return to work.
- If a worker feels they need to see a physician for a work-related injury when they are not on site, contact your employers Safety Department.
- In order to make reasonable accommodations for the safety and health of pregnant workers and their unborn children, it is requested that all women report the first knowledge of pregnancy

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to their supervisor and to the site medical facility. In order to continue work on the Project they will be required to present a medical clearance from their attending physician following the initial determination of pregnancy and each visit thereafter.

Worker's Compensation

The CEP has workers' compensation coverage from Chartis to protect you. You can get more information about your workers' compensation rights from any office of the Texas Worker's Compensation Commission or by calling 1-800-252-7031.

Environmental, Safety and Health Policies

The CEP Site Safety Management Plan details the safety related expectations and requirements of the MC CEP Team. Your safety representative will review those requirements with you to achieve a mutual understanding and commitment.

Beyond Zero Accidents

One of the most important values is conducting business with the greatest care for the health and safety of our employees and the employees of our partners, contractors, customers and the people in the communities where we work. MC Construction Management Team is also dedicated to sustainable environmental protection. We are committed to achieving and sustaining "Beyond Zero Accidents" performance, and to working with all appropriate stakeholders to improve ESH effectiveness in our industry. We will not compromise on these values.

STARRT Pre-job planning

STARRT is a process that utilizes employee participation to identify and resolve environmental, safety and health hazards associated with a specific task prior to performing the task.

Key STARRT philosophy:

- Pre-job evaluation of risks performed by the work crew
- Places job planning into the hands of the work crew
- Encourages group participation and shared learning
- Enhances employees ownership of safety program
- Improves work execution by organizing the work task/job

STARRT forms must be completed by supervisor and crew before each task

Emergency Reporting

Report all emergencies (fire, medical, environmental) to your supervisor immediately. The appropriate Emergency Response personnel on the job site will be contacted for first response. Outside emergency response personnel can be contacted by Nextel #1 "Emergency" channel, 409-985-4316 or 3333 on a PAR Motiva phones. Additional emergency numbers are posted in all construction trailers.

Emergency Assembly/Evacuation

In an emergency that requires assembly or evacuation, go to your assigned assembly point. Eight short continuous blasts of refinery horns are the unit alarms for each operating area. Follow

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your supervisor's instructions concerning area specific evacuations and check in with your supervisor at the assembly point.

A headcount will be taken by the supervisor and this headcount will be reported to the Motiva CEP Incident Commander. Do not leave the assembly area until instructed to do so by the supervisor.

Adverse Weather

The MC has developed an Adverse Weather Response Plan to provide field supervision and field ES&H with updated weather information and lightning storm warnings. The plan addresses the warning process for approaching lightning storms, reports the heat index, and reports the wind speeds after they exceed 15 mph. With the exception of the lightning storm warnings, the notifications are informative to project ES&H and field supervision. Based on the heat index or the wind speed, field ES&H and field supervision will assess the work activities they are responsible for and implement the appropriate activity restrictions.

When lightning activity is noted in the general area of the site, a yellow flag announcement is made. This notification is strictly for the evaluation of work activities and the preparation for a lightning storm. When a red flag announcement is made, all field personnel are to be directed to a "safe location" for the duration of the storm. Field work activities will not resume until Project ES&H determines that it is safe to return to work activities and the appropriate "all clear" notification is made. If field supervision observes nearby lightning in their work area, they should immediately contact their ES&H supervisor. When in doubt, field supervision may direct their field personnel to a safe location prior to a red flag announcement. All field supervision should fully understand the Adverse Weather Response Plan and review its implementation with their assigned ES&H personnel.

People Based Safety

The Motiva CEP has implemented a People Based Safety (PBS) Process that is proactive in identifying and eliminating at risk work practices and unsafe working conditions. This Team is called the Workers Observing Workers (W.O.W.) and consists of representatives of MC, Becon, General Contractors (GCs) and subcontractors on site.

The employees on the W.O.W. team have ownership of these processes after they have received training in the behavioral modification principles, theory and safe work observation process.

Hand, Air, and Electrical Tools

Only tools in safe working condition, including project and personal tools, may be used on the project. Tools shall be used in accordance with the manufacturer's instructions. In addition, observe the following safe practices:

- Homemade or modified tools will not be allowed on the project site.
- Hand tools should be inspected prior to each use and upon arrival to the site by the supervisor or tool room representative.
- Tools such as saws and grinders shall have guards in place during operations.
- Tools shall not be altered in any way and shall be operated in accordance with manufacturing specifications.
- Tools shall be inspected prior to each use for defects such as cracked handles, damaged housing or cords and broken parts.

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- Damaged or defective tools shall be returned to the tool room/supervisor and will be taken out of service and tagged "Do Not Use/Operate".
- Persons who operate ground compactors, rollers, chisel impact hammers, and other such tools are required to wear additional protective footwear.
- Tools will be used only for their intended purpose.
- All electric power tools need to be double insulated or grounded according to the National Electrical Code.
- All electrical cords and cables must be covered or elevated to protect them from damage and to eliminate tripping hazards.
- Ground fault circuit interruption devices will protect temporary construction outlets used for 120-volt tools.
- All pneumatic hose connections must be fastened securely with safety clips in place.
- Compressed air pressure must be reduced to 30 psi or less when used for cleaning purposes. Compressed air is not to be used to blow dust from the body or clothing.
- Air supplying hoses exceeding ½ inch ID need to be protected by excess flow valves to prevent "whipping" in the event of hose separation or failure.
- Qualified employees with valid credentials are permitted to use powder-actuated tools. Certification cards must be carried while using powder-actuated tools.

Barricades

It is the responsibility of all employees to observe and maintain barricades that are required for employee protection and establishing boundaries around equipment or materials to protect them from potential damage.

- Barricades must be kept at least six feet from the edge of an open trench or excavation.
- A substantial barrier or barricade is required when an excavation is to be left open at the end of the shift.
- Barricade tapes must be tagged with company, supervisor, date, and reason for barricade.
- Barricade tape shall be used for its intended purpose according to approved methods. Upon completion of the work being performed, the supervisor that originally installed the barricade must remove the barricade.
- Red barricade tape shall be used in areas where imminent danger is present. Yellow and black barricade tape shall be used in areas where caution is required. Unauthorized persons who enter red barricaded areas without permission from the area owner may be subject to immediate termination of employment/dismissal from the project.
- Areas where pipe weld x-rays or other similar NDE work is in progress shall be barricaded and entry shall be restricted to authorized personnel by the employer responsible for performing the work. Magenta and yellow barricade tape or rope will be used for x-ray/applicable NDE work.

Vehicles and Equipment

Inspect vehicles and equipment each day prior to use. Document inspections and note defective items to be repaired before the equipment is returned to service.

Vehicles and equipment shall be operated within the manufacturer's recommended operating practices.

Do not assume an equipment operator can see you. Make eye contact with equipment operators before crossing their work path when on foot or in a vehicle.

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Non-English speaking employees are prohibited from operating vehicles or motorized equipment.

Do not walk under loads or manlifts.

Do not cut across the path of equipment when it is in reverse.

Confined Spaces Entry

A confined space is any space with a limited means of access/egress, and/or which can accumulate toxic or flammable contaminants or has an oxygen deficient/enriched atmosphere. Confined or enclosed spaces may include caissons, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, conveyor tunnels, and open top spaces or excavations that are more than four feet in depth such as pits, tubes, vessels vaults and pumps.

- Confined space entry procedures are used to regulate the entry of persons into confined spaces. All work relative to confined spaces shall be performed according to confined space procedures and permit systems.
- Persons who are required to enter a confined space must be trained and knowledgeable of the nature of hazards involved, necessary safety precautions to be taken, and the emergency and protective equipment required prior to entry.
- The atmosphere within a confined space must be tested prior to entry. The space must be checked for explosive and toxic contaminants as well as the oxygen content of the atmosphere.
- An attendant (hole watch) shall be posted while employees are working inside of a confined space.

Excavation and Trenching

All excavating and trenching operations and work performed in such areas must conform to established standards. An excavation permit will be required for all equipment excavations.

- Trenches and excavations must be sloped, shored or otherwise made safe in accordance with soil conditions and current regulations.
- A competent person inspection is required prior to employees entering an excavation more than three feet in depth or less if employee's task requires them stoop or bend below the top of the excavation.
- Materials must be placed two feet or more from the edge of excavation. Precautions must be taken to prevent such materials from falling into the excavation.
- Safe access must be provided into all excavations by means of ladders, stairs, or ramps every 25 feet of employee travel.
- Materials used for sheeting, shoring, or bracing must be in good conditions. All materials must meet appropriate regulatory codes and be approved by the Project Field Engineer.
- In locations where oxygen deficiencies concentrations of hazardous explosive gases, dusts are possible, the atmosphere in the excavation must be tested by a qualified person prior to start of work and at intervals as required.

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Housekeeping

Housekeeping is a very fundamental and necessary activity on any site and is the responsibility of every person working on the Project.

- Work areas, passageways, stairways, and all other areas need to be kept free of debris, pipe, equipment and materials.
- Trash containers will be placed strategically on the project and used for disposal of scrap materials and other construction generated debris. All trash containers will be labeled for their intended use.
- Liquids such as paints, solvents, thinners, oils greases, and any other such material or containers that have contained chemicals will be disposed of in accordance with project environmental procedures and regulatory requirements. Contact your supervisor and MC Environmental department for additional details, when necessary.
- Storage areas will be kept clean and materials neatly stacked or placed.
- All scrap lumber, waste material and debris or staples will be removed from the immediate work area as the work progresses. Nails should be removed or bent down from lumber, crates and similar materials.
- Construction materials will be stored, kept, and utilized out of walkways in an orderly manner. Cords, wires, electrical cables, and other such temporary systems will be kept where they pose no potential danger to personnel or damage by construction activities or equipment (seven feet above ground). Cords and hoses that must lie across roads or walkways must be protected.
- Eating lunch in the work area is prohibited. Facilities intended for this purpose are provided. Glass bottles are prohibited at the site.
- Lunch or eating areas will be kept clean and free of all food scraps, wrappers, cups and other disposable items. Tools, gloves, personal protective equipment, or any other potentially contaminated items are not to be placed on the tables.
- Toilets, wash-up facilities, drinking water and water cans are provided. Please help keep them clean and sanitary.
- Do not open water cans in the field. This action is subject to immediate dismissal/removal from the project.
- Tobacco products, sunflower seeds and cigarette butts are not to be left on equipment, working surfaces, or ground. Spitting while in elevated positions is prohibited.

Fire Prevention and Protection

Work activities will be conducted in such a manner as to preclude the potential of a fire hazard, in accordance with project procedures and regulatory standards.

Fire prevention and protection efforts must include, but are not limited to, the following areas of concern:

- Keep the work area neat. An orderly work area reduces fire and accident hazards.
- Flammable and combustible liquids must be handled only in approved, properly labeled safety containers.
- Transferring flammable liquids from one container to another will be done only when containers are electrically interconnected (bonded).
- Conspicuous and legible signs prohibiting smoking will be posted where flammable liquids are stored.

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- Flammable liquids will be stored in approved flammable liquid storage cabinets.
- Flammable or combustible materials must be removed from hot work areas and or protected from sparks and fire.
- Place oily rags in approved, covered containers.
- Insure that properly inspected fire extinguishers are placed where required.
- Smoking in material storage areas that contain combustibles, confined spaces, buildings, trailers, lunch facilities and restroom facilities is prohibited. Smoking is not allowed when using personal protective equipment that covers the face. Smoking is not allowed when using flammable liquids, solvents, aerosols, etc.

Fire Extinguisher Use

When fire or smoke is discovered, immediately report the situation to your supervisors and co-workers FIRST. If trained in fire extinguisher use and fire is small and contained, perform the following functions:

- Pull the pin on the extinguisher or activate if a cartridge-type extinguisher.
- Aim the nozzle at the base of the fire.
- Squeeze the trigger.
- Sweep the nozzle across the base of the flames.

Never attempt to extinguish a fire alone.

Always have a safe exit should fire fighting attempts fail and egress be required.

Lockout/Tag out Procedure

Lockout procedures are designed to prevent the accidental release of an energy source such as electricity, compressed gases, liquids, steam, rotating equipment, etc.

- The lockout / tag out procedures include provisions for tagging, lockouts, blanking, or capping of controls, valves, and lines, or blocking of moving parts to prevent accidental or unauthorized operation.
- Employees must be trained in lockout procedures in accordance with work being performed.
- Without the lockout/tag out, employees are prohibited from working on or near electrical equipment or lines, mechanical equipment, pressure systems that could be energized or activated, on vessels, piping systems, or equipment containing toxic substances/hazardous material that could be activated or released.
- Unauthorized removal of tags or other noncompliance with the lockout/tag out procedure will be grounds for termination/dismissal from the project.

Floor/Wall Openings and Stairways

Floor openings must be barricaded or covered, secured, and labeled, "Floor Opening – Do Not Remove".

- When it is necessary to work inside the barricade around a floor opening, a safety harness must be worn and employees must be 100% tied off.
- Every open-sided floor or platform six feet or more above the adjacent floor or ground level must be guarded by a top rail, mid-rail, and toe board.
- Every flight of stairs having four or more risers must be equipped with proper handrails.

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- On stairways, for every twelve feet of vertical rise, there must be a landing platform.

Personal Protective Equipment (PPE)

- **Head Protection**

The wearing of head protection is mandatory while in the construction site and plant areas. This includes visitors, vendors, and others who enter. Hard hats are to be worn with the bill forward.

MC and Subcontractor management approved hard hats are mandatory. Cowboy hat style hard hats are not allowed on the Project.

- **Eye Protection**

Approved protective eyewear shall be worn at all times by all personnel, vendors, visitors and others while inside the construction site and plant areas. Protective eyewear shall meet the minimum requirements of the ANSI Standard Z87.1, latest edition. Glasses will have side shields integral to the glasses or equivalent.

Goggles may be required to be worn on windy days or in some project areas or where corrosive materials and liquids may be in use.

Goggles must always be worn on the hardhat.

Additional approved eye/face protection such as face shields will be required when performing certain tasks such as burning, chipping, grinding, impacting, etc.

- **Respiratory Protection**

Respiratory protection equipment is required in areas where health hazards exist due to accumulations of dust, fumes, mist, or vapors in the atmosphere. The use of respiratory equipment shall be used in accordance with the Respiratory Protection Procedures.

- **Hearing Protection**

Hearing protection is mandatory in designated areas and for specific tasks. Hearing protection shall be worn when operating electric or pneumatic tools.

Hearing protection should also be worn in any area where you have difficulty carrying on a conversation in a normal voice with a person up to three feet away. When in doubt, ask an ESH representative or your supervisor.

- **Foot Protection**

Sturdy work boots, with defined heel, over the ankle with approved safety-toes shall be worn. Tennis shoes, open toe shoes, canvas or cloth shoes, jogger shoes, athletic shoes and other such foot apparel shall not be allowed on the construction site.

- **Hand Protection**

Gloves are required to be worn to provide the appropriate protection for the task being performed.

- **Body Protection**

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Fire Retardant Clothing (FRC) is required in areas that are not classified as "Open Areas or Greenbelt Areas". Your company will inform you of your assigned work location and clothing requirements. Fire Retardant Clothing must be worn with sleeves rolled down, buttons or snaps fastened and zippers closed.

Where FRC clothing is not required, a minimum of long-sleeved shirts with a collar are required in construction work areas (except office personnel) and long pants appropriate for work.

All clothing worn must be free of rips, tears and holes and shall not have an accumulation of chemicals or materials that could be combustible or flammable.

- **Fall Protection**

The use of fall protection equipment shall be in compliance with applicable regulatory standards.

Full body harnesses with shock absorbing lanyards are required anytime one is working six feet above the ground or adjacent surface and tied off to a substantial overhead structure. All tie-off points must be capable of supporting a 5000# load.

Lanyards will be secured whenever the employee is not on a completed structure or exposed to a fall.

Body harnesses must be worn while working from scaffolds or other temporary platforms and need to be secured to another structure or lifeline if the work platform is incompatible (cannot be rated for 5000 lbs.).

Employees riding in or working from personnel lifts shall wear body harnesses and secure the lanyard properly to the lift at all times.

Personal fall prevention equipment must be inspected daily prior to use by the user.

Fall protection is required on ladders if located near guardrails or if you are using both hands for your work.

Back Injury Prevention

When manual lifting is anticipated, the following proper lifting techniques should be utilized to minimize the potential for a back injury:

- Know what the material weighs. If in doubt, ask your supervisor
- Establish good footing before attempting to lift
- Establish your path of travel. Verify your path is free of obstacles and is level
- Keep your back straight during the lift. Do not lean over at the waist
- Bend your knees, keep the load close to your body
- Lift gradually, using your legs. Do not jerk or twist your back
- Get help for bulky or heavy loads
- When possible, use mechanical aids to reduce the amount of lifting you are required to do

Poor posture during manual handling introduces the additional risk of loss of control and sudden spontaneous increase in physical stresses on the body, including the back. Assessment of the material being lifted is always critical and using the correct posture essential.

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All project personnel will participate in the stretching exercises performed at the beginning of the shift.

Working Over or Near Water

- Coast Guard approved life jackets or flotation work vests must be worn by any personnel working over or near the water.
- Life jackets and work vests must be fully secured, fastened and adjusted on each person before entering the area.
- Ring buoys shall be provided and equipped with at least ninety feet of line. Ring buoys shall not exceed a distance of two hundred feet apart.
- Appropriate rescue boat must be in place and man overboard procedures reviewed before work begins.

Cranes and Material Handling

All work platforms commonly known as work baskets or man baskets, shall be designed and used in accordance with current regulatory standards and in accordance with the suspended work platform procedure/permit.

- Tag lines shall be used to control all loads.
- The use of softeners, slings, and wire ropes shall be in conformance with regulatory statutes.
- All cranes used to lift man baskets shall be equipped with an anti-two block device.
- Proper barricades shall be placed around the swing radius of cranes and other lifting equipment when a crush hazard exists.
- In the absence of manufacturer specifications, a qualified engineer must certify for use all lifting devices. All such devices must have the safety working load clearly tagged/marked.
- Heavy lift/rigging plans are required for lifts in excess of twenty tons.
- Personnel operating cranes and other lifting equipment must be qualified and certified on the particular piece/type of equipment they are operating. MC Rigging Manager must be notified of operators and their qualifications/certification before they arrive on the project.
- All cranes and other lifting equipment must be documented and inspected upon arrival to site with the MC Equipment manager or his designee.

Ladders

All ladders used on the project shall conform to applicable standards and regulations. Ladders shall be inspected prior to each use.

- Ladders with broken or missing rungs, broken or split side rails, or otherwise damaged shall not be used
- All portable ladders shall be equipped with nonskid safety feet and shall be placed on a stable base. The access area at the top and bottom of ladders shall be kept clear.
- The side rails shall extend 36 inches above the landing. When this is not practical, grab rails shall be installed. All ladders in use shall be tied, blocked or otherwise secured to prevent an accidental displacement.
- Only nonmetallic or wooden approved ladders shall be used during electrical operations or any other operation where persons may come into contact with electrical circuits or systems.
- Stepladders must be fully opened to permit the spreader to lock
- Persons must never stand on the top two steps of a stepladder.

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Material Handling and Storage

Transporting Loads

- Loads shall be adequately secured against displacement when being transported by vehicle and/or equipment.
- Loads, which project in front, back and/or to the side of vehicles or equipment, must be flagged for visibility.

Hoisting Loads Overhead

- Taglines shall be used to control all loads being hoisted overhead or transported by mobile hoisting equipment.
- Loads shall not be hoisted or swung over employee's heads.
- Bundles of material require tow chokers or slings.

Material Storage

- Material shall be stored in an orderly and stable fashion and kept clear of work areas and traffic aisles.
- Flammable and combustible materials shall be stored at least 35 feet from hot work or other sources of ignition.
- Flammable liquids other than in bulk storage shall be kept in approved safety cans that have been labeled as to the contents.

Radiography

Subcontractors or others involved in radiography shall have current certification, training and implement safe operating procedures for radiological activities as required by all applicable regulations.

When radiography work is in progress, magenta/yellow barricades will be erected and maintained for the duration of the work. Only authorized employees are allowed in barricaded areas.

Scaffolds and Platforms

All scaffolding shall be erected in conformance with applicable and federal OSHA standards. A competent person must inspect each scaffold.

- All scaffolding shall have toe boards, mid-rails, top rails, and access ladders.
- Competent personnel designated to perform this work shall erect scaffolding.
- All scaffold planks shall be inspected and clearly identified as such by obvious marking before being used. Scaffolding shall be removed according to construction requirements and when work has been completed.
- The scaffold tagging procedure is to be observed and followed by employees using scaffolds and other workplace platforms. RED tag-no access or egress allowed, YELLOW tag-fall protection required, GREEN tag-scaffold complete -fall protection required if leaning or working outside scaffold railing system.
- All scaffolds must be inspected and have a signed scaffold tag attached prior to use each shift.
- Each person who uses scaffolds should inspect the scaffold before each use.
- Fall protection on scaffolds.

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Safety tags are used for the protection of personnel and equipment. Tags are to be installed and removed only by authorized personnel. Equipment is not to be worked on without being properly tagged out. After all tags have been removed, the equipment may be returned to service.

Permits

Properly prepared work permits must be obtained before performing any and all work. No work will be conducted on the project without an authorized written work permit.

The CEP has split its work into four distinct work areas:

- CEP Open Areas
CEP open areas are defined as construction work areas with fixed boundaries (orange fence) that are free from underground obstructions and from sources of hydrocarbon or chemical form the surrounding operating facilities. Work performed in these areas will comply with the MC work permitting procedures. And will be managed and controlled by the JV/MC.
- CEP Non-Updated Open Areas (Offsite CEP Laydown Yards)
Same requirements apply as CEP Open Areas except:
 - Stationary Perimeter Air monitoring devices are not required.
 - Excavations require a Motiva issued Permit and a JV/MC Excavation and Trenching Permit.
- PAR Open Areas
Same requirements apply as CEP Open Areas except:
 - Stationary Perimeter Air monitoring devices are not required.
 - Excavations require a Motiva issued Permit and a JV/MC Excavation and Trenching Permit.
 - Open Flame and Welding require a Motiva issued permit.
- All Other Work Areas
A daily Motiva permit is required and will be issued from the PAR Control Room relevant to the work locations.

All employees are responsible to check permits for date and signature before work begins.

Upon completion of job, permit must be returned to the Safety Department.

Typical work permits (list is not all inclusive):

MC Permits: Hazardous Work Permit (includes general work, Hot work, and NDE work); Confined Space; Excavation; Lockout/Tagout, work near Energized Equipment/Lines; Suspended Personnel Platform

PAR Permits: Safe Work Permit; Hot Work Permit (includes hot work, work near energized lines, work near railroad tracks, lifts over process equipment, and excavations); Entry permit

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EMPLOYMENT CONDITIONS AND WORK RULESNO. 25282-583-GPP-999-01503
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Welding and burning operations have a high potential for personal injuries and fires. When performing either task, it is essential to always follow these precautions:

- Special precautions must be taken to ensure proper ventilation when burning or welding. Contact your supervisor for further information.
- When welding and burning on coated surfaces, special precautions need to be taken. Contact your supervisor for further information.
- When welding or burning, you must wear appropriate personal protective equipment.
- Employees are expected to ensure that all welding leads and burning hoses are up off the floors, walkways, and stairways. Welding leads must be kept out of the walkway and be protected from damage.
- Flash back arresters and backflow preventors must be installed in accordance with applicable requirements.
- Protect all employees from falling sparks and slag while welding or burning.
- A suitable fire extinguisher must be located at the work area.
- Screens, shields or other methods must be used to protect other personnel from sparks, molten metal, and UV/IR radiation.
- Fire watches and/or fire monitoring personnel will be required for open flame work.

Welding

- When involved in any welding operation, wear approved hard hats with welding hood / face shield.
- The frames of all welding machines must be grounded.
- When exposed to flying objects, chipping slag, or other weld cleaning activity, wear additional approved eye protection.
- Before welding, determine what the materials are in the base and/or filler metals. Materials with Chromium or other heavy metals may require additional precautions.
- When arc welding near other employees, use noncombustible screens that reduce the transmission of ultraviolet light to protect them from the arc rays. Both the welder and employee nearby may require additional eye protection.

Burning

- Do not use matches or lighters to ignite torches. Spark igniters must be used. Torches must not be used to light smoking materials.
- When a crescent or special wrench is required to operate the acetylene cylinder valve, the wrench must be kept in position on the valve.
- Do not use oxygen to blow off clothes or clean welds, serious skin burns or death may result.
- Turn off all hoses and gauges when they are not in use and disconnect at the end of shift.
- Wear approved burning goggles to protect against infrared radiation.
- Before plasma air arcing/burning determine what metals are present. Additional precautions may be necessary if Chromium or other heavy metals are present.

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Storage and Handling Cylinders

- Compressed gas cylinders will be secured in the upright position at all times.
- Flammable and non-flammable (or other fuel gas) cylinders in storage must be separated from each other by twenty feet or by a five foot barrier that has a one-half hour fire rating.
- Cylinders must not be taken into confined spaces.
- Valves of compressed gas cylinders shall be completely closed when not in use and protective caps in place.

Ventilation and Protection

- Welding, burning, and heating performed in confined spaces may require general mechanical or local exhaust ventilation to reduce the concentrations of smoke and fumes to acceptable levels. Your supervisor must be consulted prior to starting these operations.
- If adequate ventilation cannot be provided, you must use respiratory protection appropriate for the type of work and exposure. Check with the IH Department for requirements.

Material Safety Data Sheets (MSDS)/Hazard Communication

All employees handling hazardous chemicals must know:

- The chemical or common name of the material.
- The nature of the hazard.
- The precautions to use during normal handling and emergency condition.

The MSDS gives specific information on a chemical's properties, safe working procedures, health hazards, etc. All chemicals brought into the project must have a MSDS.

All employees must be familiar with the safe handling and disposal procedures of the materials they are using. Training must be provided and documented concerning the safe handling and disposal of materials used.

Contractors must furnish the MC Subcontractor Coordinator or Area ESH Lead with a MSDS before bringing chemicals into the project. The MSDS's will then be forwarded to the MC Industrial Hygiene (IH) manager.

MSDS inventories and binders are updated by the ESH Department and are located in the MC CMT trailer. All Subcontractor must maintain there own MSDS inventory lists and forward additions or changes to the MC IH manager.

Original Labels are required to be maintained on all materials. Should labels become damaged or worn, replace labels immediately.

Hazardous waste material such as paint, solvents, paint sludge, greases, or other chemicals classed as hazardous materials shall be handled and disposed of in accordance with the MC Construction Environmental Control Plan, PAR Procedures and applicable regulatory standards. If hazardous waste spill occurs contact the MC Environmental representative immediately. Spill kits are available throughout the jobsite.

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If at any time asbestos or suspect asbestos materials are or are potentially encountered, do not disturb these materials. Asbestos containing materials are commonly found in insulation, floor tiles, roofing material, suspended ceiling tile, gaskets, and some glue and mastics. Immediately vacate the area and contact your supervisor.

If at any time lead or suspect lead containing materials are or are potentially encountered, do not disturb these materials. Lead containing materials are commonly found in metal or wood coatings and/or paint. Immediately vacate the area and contact your supervisor.

Abrasive Blasting

- Non-silica materials should be used for blast agents.
- Employee performing the abrasive blasting must be wearing full personal protective equipment for the job. This includes body, breathing, foot and hand PPE.
- Review the work and safety procedures with your supervisor and safety representative prior to initiating work.
- Abrasive blasting in confined spaces may require additional safe guards, contact your supervisor.
- Do not work alone.
- Spent abrasives and/or blast materials may need to be treated as hazardous waste, ask your supervisor and MC Environmental representative prior to commencing work to minimize waste and properly prepare the work area to assist in mitigation of the blasting material.

Concrete Work (Silica)

Concrete contains materials such as stone and sand that may contain silica. Operations that fracture these materials may generate dusts containing respirable silica particles.

- Operations that may generate dusts containing silica should be conducted using engineering controls such as wet methods and/or local exhaust ventilation to reduce possible exposures.
- In the absence of engineering controls, respiratory protection shall be worn by employees performing these activities. Other personnel in the area must be kept at a distance to reduce their potential for exposure.
- Employees who wear respiratory protection must be trained and qualified. Contact your supervisor or ESH representative for additional information.

Office Safety

Although office and buildings are comparatively safe places to work, accidents do occur. To ensure your personal safety, follow these rules:

- Do not stand in front of closed doors; they may open suddenly.
- Be careful of swivel chairs. Do not slump back in them without testing your weight gradually.
- Keep sharp objects in their proper place. Always leave the handle of the paper cutter in the down and locked position when work is complete.
- Watch for telephone and office machine cords, wastebaskets, and other hazards underfoot which may cause tripping.
- Keep file drawers, desk drawers, and locker doors closed when not in use. Open only one file or desk drawer at a time. See that files are properly secured.

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- Get help lifting an item too heavy for you to handle. Always lift properly with your legs and not your back.

Heat Stress and Cold Stress

When heat is combined with physical activity, loss of fluids, fatigue, and other conditions, heat related illness may occur. Be alert for conditions that could cause heat stress and take precautions to prevent it. Check with an ESH representative for details on how to address extremely hot/humid areas.

Heat stress can be reduced by:

- Drinking plenty of water
- Eating properly. Do not skip meals and avoid heavy meals
- Wearing light colored clothing, preferably cotton clothing
- Getting plenty of rest at night
- Knowing how over the counter and prescription medication can affect you and taking proper precautions to minimize side effects

Make sure you understand the signs and symptoms of heat stress. These include:

- Heat cramps - Heat cramps are painful muscle cramps caused by a loss of body salt through excessive sweating.
- Heat exhaustion - Heat exhaustion indicates that the body's cooling system is not working properly. The victim will sweat heavily, their skin will be cool and moist, and they will seem tired, confused, clumsy, irritable, or upset. The victim may tell you that they are okay, even with obvious symptoms, because their ability to exercise good judgment may be lost.
- Heat Stroke - Heat stroke is the deadliest of all heat stress conditions. The body temperature will rise; the victim's skin may be hot, red and dry

Cold Stress

Hypothermia results when the body losses heat faster than it can produce it. This causes the blood vessels in the skin to constrict in order to conserve important vital heat. Hands and feet are usually affected first. As the body tries to produce more heat, involuntary shivering begins.

Make sure you understand the signs and symptoms of cold stress. These include:

- Uncontrollable shivering and the inability to warm-up, confusion, forgetfulness, irritation, clumsiness, slurred speech, blurred vision, loss of manual dexterity and lack of coordination, despair and disinterest, ashen white face and hands, paradoxical stripping of clothes as cold impairs thermoregulation center of brain, incoherence and collapse; unconsciousness.

Precautions:

- Drink plenty of water
- Eating properly. Do not skip meals and avoid heavy meals
- Wear clothing in layers that fits properly
- Getting plenty of rest at night
- Knowing how over the counter and prescription medication can affect you and taking proper precautions to minimize side effects

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- Project Plans
- The Crude Expansion Project (CEP) environmental program is guided by the Construction Environmental Control Plan (CECP). This document discusses in detail the project, the personnel, the division of responsibilities, the reporting and investigating, and the various field procedures and protocols. All project supervision should be familiar with the CECP and its contents.
- In addition to the CECP, the project has an addendum to Motiva CEP's Storm Water Pollution Prevention Plan (SWPPP). The SWPPP Addendum discusses the project's efforts to control erosion and sedimentation at the job site. Additional ES&H plans that are notable are the Toxic Release Inventory (TRI) program, the Fuel Management Plan, the Construction Waste Management Plan, and the Spill Prevention & Response Plan. All of these plans are found as appendices in the CECP document. You are strongly encouraged to review these documents.
- General Site Issues
- The MC Environmental Inspectors will be available to support all general contractor and subcontractor environmental issues. They need to be notified immediately following a spill or chemical release. They need to be contacted prior to pumping any storm or ground water into the Port Arthur Refinery (PAR) storm water system. They are available for all environmental questions and notifications.
- When hydrostatic testing (a.k.a., hydro-testing) is going to occur, the responsible person for the hydro-test must follow the Addendum to PAR Procedure GHP-0301 and notify PAR and the MC CEP Environmental Department with an e-mail. In certain cases, there will be a sampling requirement to meet state environmental permitting requirements. The MC will collect the sample. The notification must be made at least a week in advance (per GHP-0301)
- All soil excavations into native soils or beneath the imported clean fill (i.e., 60/40 limestone in the bath-tubbed areas) requires a Soil Excavation Form to be filled out and submitted to Chris Knott, AbClean Waste Supervisor, 10 days prior to excavating. Adequate time must be provided to allow for soil sampling, when necessary.
- When project personnel encounter oddly colored, odiferous, potentially contaminated soil, they are required to immediately stop work and notify appropriate ES&H contact. The MC Environmental Inspector for that area will also be notified. The MC Environmental Inspector will evaluate the situation and possibly take air readings. If it is determined to be potentially hazardous, the MC will notify Motiva CEP for their evaluation.
- Storm Water Management
- When necessary, MC direct-hire and/or general contractors will erect erosion and sediment control devices (e.g., silt fence, stone check dams) in their work areas. These controls will be inspected, per the SWPPP Addendum, and repair whenever damage is identified. If an entity damages the silt fence or check dam, then they will immediately repair the damage.
- Wildlife Protection Issues
- Bird nests with eggs and/or chicks are protected under the federal law (i.e., Migratory Bird Treaty Act) and will be protected when encountered. If a nest is encountered, the MC

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Environmental Inspector will be notified immediately. If the nest is empty, then it can be removed by the inspector. If eggs or chicks are present, the area will be cordoned off and protected until the chicks fledge.

- If wildlife (e.g., raccoons, alligators, opossums, feral pigs, etc.) are encountered on the jobsite, then the MC Environmental Inspector should be notified. **DO NOT ATTEMPT TO CATCH OR CORNER THE ANIMAL.** The MC will contact appropriate personnel to trap and remove the animal.
- If a bee swarm is encountered, do not risk agitating the bees. Leave the immediate area and notify the MC Environmental Inspector for your area. A trained bee keeping professional will be called to safely collect the swarm. Only when necessary will the swarm be eradicated.
- Air Quality Issues
- When dust is determined to be a problem, notify your supervisor about requesting location specific water truck support. Please note the project provides several water trucks that operate over regular road schedules.
- If a piece of equipment is determined to be producing above normal amounts of air emissions, the piece of equipment will be taken out of service and repaired or removed from the site.
- Hazardous Materials Management
- All pieces of portable equipment, up to the size of a light plant/air compressor, are required to be parked over/within secondary containment. There are no exceptions.
- Hazardous materials will be stored in secondary containment once they have been open.
- Use of visquine plastic sheeting and washout boxes will be used for all concrete pours. Concrete is not allowed to be washed out on the ground. Concrete washout is only allowed at the Concrete Batch Plant and in certain conditions, the TX DOT Yard. When there is a need to use the TX DOT Yard, AbClean must be contacted before the pour.
- Spill Prevention & Response
- The CEP operates with a premise to prevent spills before they happen. Every effort must be made to handle and store hazardous materials in a manner where the risk of a release is minimized. Secondary containment will be used whenever there is a risk for spills. Equipment will be checked prior to operation to identify potential and/or existing leaks and line failures.
- All work areas will have sufficient spill kits and supplies to respond to all potential releases. At a minimum, large pieces of equipment (e.g., cranes, track-hoe excavators, "pickers", mechanic trucks, etc.) will have spill kits positioned on the vehicle. All employees will be instructed on where spill kits are located and how to use the supplies in the spill kit.
- All spills, no matter the volume or severity, must be reported to the MC Environmental Inspector. In addition, whenever a spill occurs, the responsible entity must perform an environmental investigation to determine the cause and to identify methods to prevent the incident from occurring again. An Environmental Investigation Form should be used to document the facts of the incident, the cause, and the corrective actions that were implemented.

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- At a minimum, spill kits will have absorbent pads (a.k.a., diapers), granular absorbent, and absorbent booms. In addition, if acids or caustic are being used or loaded, there needs to be appropriate neutralizing absorbent. A MC Environmental Inspector can provide recommendations on the type of supplies to properly maintain your spill kits.
- Waste Management
- The primary method of keeping a site clean and safe is through proper housekeeping.
- Waste containers are required to be properly labeled to describe the type of waste to be placed in them. In most cases, AbClean will affix a label to the container/bin when the container is placed on the project. In addition, signs are posted in front of bins that describe what can and cannot be placed in a particular bin. If you have any questions regarding the labeling of a waste container, contact the MC Environmental Inspector.
- Waste segregation is necessary to meet the waste management requirements here at PAR. Aerosol cans, empty chemical and empty paint cans, creosote/treated lumber, oily wastes, RCRA wastes, and recyclable wastes (e.g., iron, steel, aluminum, and copper) are to be segregated from general non-hazardous trash. Please use the signs posted in front of a bin and the label affixed to the container to direct what may be placed in the container. If a question is raised about the proper disposition of a waste type, contact either the MC Environmental Inspector for your area or the AbClean Waste Coordinator.
- Certain waste types will be recycled to minimize the volume of waste from this project that is disposed of in a landfill. Currently, the project is recycling cardboard at the Logistics Center, aluminum cans at the lunch tents, and copper, steel, iron, and stainless at the job site. Please do your part to assist in keeping trash out of the recycle bins.
- The CEP Site Safety Management Plan details the safety related expectations and requirements of the MC CEP Team. Your safety representative will review those requirements with you to achieve a mutual understanding and commitment.

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This is to acknowledge that I have received my copy of the Motiva CEP site access and work rules and the environmental safety and health requirements. This also to acknowledge I have had an orientation of it's content. I will read and abide by all rules and regulations on this project.

Name (Print)

Signature

Contractor

Date

SSN Last 4 numbers

CEP Project Trainer

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EXHIBIT

F-3

Recordables Details

Incident # PTD	Date of Incident	Company	Location	Incident Description	Incident Type*
1	12/20/2005	Mason	# 4 Loading Rack	While moving a barricade, employee stepped onto a soft spot and his boot sank into the mud. When he started to fall forward, he reached out with both hands to stop his fall. While doing this, he heard a "popping" noise in his knee. Resulted in ruptured tendon of left knee requiring surgical repair.	Lost Time
2	4/20/2007	Bomac	PS3 & Flare Road	Forklift operator moved while another employee was standing on one of the forklift fenders. Employee's right index and middle fingers were pinched in mechanism that causes forks to move up and down, causing lacerations to both fingers.	Recordable
3	5/21/2007	Gold Crest	VPS5	Injury to back while lifting a 12ft 4"x4" timber. Treatment required pain medication.	Recordable
4	7/24/2007	Mason	PH27	While working at Tank 2094, a large ball of mud fell from pile driving hammer, striking employee a glancing blow on left side of his head and left shoulder.	Recordable
5	8/9/2007	SCI	Alligator Bayou	SCI employee killed while operating dozer.	Fatality
6	10/8/2007	USA	Cell L-5	While working in excavation site, employee stepped on edge of a small hidden piece of metal debris. Debris flipped upward, striking employee on right shin causing a laceration that required sutures.	Recordable
7	11/6/2007	Group	Laydown Yard #6	Injury to right elbow when employee lifted a 4'x8x3/4" plywood sheet to place on sawhorses for layout and cutting. Perscription medications were administered.	Recordable
8	1/11/2008	Group	Central Control Building	Employee slipped on edge of excavation while installing rebar in a concrete form that was app. 18" below grade. As employee slipped, he twisted and fell backward, landing across the concrete on his back.	Recordable
9	1/17/2008	Motiva	North/South Trailer Complex	Employee injured his foot while putting kickstand down on his motorcycle while visiting site for a meeting. As kickstand was put down, bike began to fall. Employee caught weight with his left leg. Employee went to doctor after getting off work. It was determined that the foot was fractured, perscription medications administered.	Recordable
10	2/8/2008	Gold Crest	PAT	While performing electrical duties at Port Arthur Terminal, a Gold Crest employee sustained laceration to his left thumb area while using a knife.	Recordable
11	3/26/2008	Becon	DCU2	Employee was drilling a hole in a piece of wood when the drill bit caught, causing drill to twist. Employee's hand twisted, resulting a break to the 4th metacarpal, requiring casting and work restriction.	Recordable
12	3/31/2008	Bomac	N/A	While guiding steel I-Beam into position, Trackhoe operator moved wood crane mat which hit I-Beam, resulting in employee's hand being pinched between I-Beam and a concrete pile.	Lost Time
13	4/4/2008	Group	VPS5	While employee was reaching to pull pin out leads holding a concrete pile, pile shifted causing pin to strike right middle finger. Worker received sutures to finger.	Recordable
14	4/25/2008	Becon	Area E	While loading parking bumpers into bobcat bucket, employee's right little finger was pinched between lip of bucket and bumper. Injury was treated offsite with medical glue.	Recordable
15	5/27/2008	Bomac	N/A	On 7/22/08, CEP Claims Management was called requesting payment for a previously unreported claim. After investigation, it was determined that a lift injury was alleged to have occurred on 5/27/08 involving a BoMac subcontract worker.	Recordable
16	6/2/2008	Fugro	ISBL	Employee slipped while evacuating work area when refinery lost power on 6/2/08. Employee reported lacerations and strain to his back. Perscription medications were administered.	Recordable
17	6/5/2008	Dacon	DCU2	Employee was operating bucket truck and had bucket resting on cross member of power pole. When he swung bucket, it dropped and tilted forward, causing 5th finger tip on left hand to be smashed between bucket and guide cable, resulting in open fracture to finger.	Recordable
18	6/11/2008	Bomac	NPC	While using drill, bit caught on piece of wood causing it to twist employee's right hand, resulting in fracture of 4th metacarpal with work restrictions.	Recordable
19	6/17/2008	Becon	Laydown Yard #6	Employee was attempting to pass rigging hook to another rigger. As he stepped down from one pile to another, his harness lanyard caught, causing him to fall backwards, hitting his lower back on some cribbing timbers on the carrier.	Recordable
20	6/17/2008	Bomac	PH57	Heat exhaustion. IV fluids administered.	Recordable
21	6/19/2008	Group	VPS5	Heat stress.	Recordable
22	6/25/2008	Champion	Batch Plant	Employee was on ladder on side of cement truck washing out chute when he slid off ladder while still hanging on to it with one hand. Medical reported that employee was put on restricted duty.	Recordable
23	6/26/2008	Becon	N/A	Employee was building strong buckles when he noticed pain in his right elbow and a tingling sensation in his finger tips. Employee was taken to medical. Received several re-evaluations and a visit with Dr. Davis. All treatments were resolved on 7/18/08	Recordable

Recordables Details

Incident # PTD	Date of Incident	Company	Location	Incident Description	Incident Type*
24	7/2/2008	Champion	Batch Plant	On 7/3/08 Champion truck driver reported an injury to his supervision that he allegedly received 7/2/08. Stated that he was descending ladder on his truck when he struck corner of mirror with his left lower leg and ankle causing pain and discomfort.	Recordable
25	7/17/2008	Bomac	Alligator Bayou	Foreign particle in eye while placing sheet piles	Recordable
26	7/21/2008	Bomac	PH57	While pinning gate on piling hammer closed, employee's left leg became tangled in hammer's trip rope. He was in Piling Hammer Operator's blind spot. Hammer operator was not aware of employee. Employee was lifted off his feet when hammer was lifted. Injury resulted in a laceration which required sutures.	Recordable
27	7/23/2008	Deep South	Laydown Yard #2A	Employee was operating transporter while walking on starter mat and got left foot caught in lifting hoop. Employee stated that he twisted some and felt a pop in his left leg. Was taken to JV Medical.	Recordable
28	7/31/2008	Becon	Laydown yard #6	Employee was loading concrete pile onto mobile transport. When he was coming down with piling, getting into position on top of other pilings, got lower left leg caught under pile. Was sent to outside medical for evaluation and treatment.	Recordable
29	8/11/2008	Becon	DCU2	Employee was handling hose on concrete pump truck during concrete pour. While pushing hose into rebar wall, hose came loose at a joint causing it to fall and contact employee's hardhat resulting in discomfort to neck and upper back area.	Recordable
30	8/14/2008	Becon	N/A	Employee was retrieving piece of rebar from bundles on a slab. Stepped on a 4x4, lost his footing and fell. He struck his right elbow on slab. Was immediately reported to foreman and Safety Department. Employee was taken to JV Medical Trailer for evaluation.	Recordable
31	8/18/2008	Satellite	Laydown Yard #12A	Employee was cutting tie-wrap with keys when knife slipped cutting index finger on left hand. Employee was not wearing gloves. JV was not informed until 11:40 am. Employee was taken to outside medical where he received 7 stitches to finger.	Recordable
32	8/18/2008	Gold Crest	N/A	While shoveling rock employee felt pain in right shoulder. Perscription medication was administered.	Recordable
33	8/22/2008	Group	Central Control Building	Employee was cutting out wedges from a 2 x 4 with a worm driven circular saw. Employee completed cutting a wedge when he rested saw on his right upper leg. Did not realize that guard did not engage leaving saw blade exposed. Resulted in laceration to right upper leg requiring sutures.	Recordable
34	8/25/2008 Was changed to Recordable on 8/27/08	Tanco-SPI	OSBL	Employee preparing to begin blasting was struck on right cheek with Black Beauty blasting agent when hose was accidentally engaged. Perscription medication was administered.	Recordable
35	8/28/2008	Dacon	Area E Near Heavy Haul Road	Employee was threading 4" conduit with threading machine. When finished threading one of work pieces used his hand to clean off shavings. Resulted in laceration to his hand. Was taken by Dacon to Motiva Medical where he was referred to offsite medical and received sutures.	Recordable
36	9/6/2008	Becon	Area D Maintenance Shop	Employee was removing hitch off farm tractor, when hitch came down and caught his right fifth finger between hitch and ball. Employee states he was wearing gloves. Laceration to right fifth finger. Employee was taken for outside medical treatment/ Fracture to finger requiring sutures.	Recordable
37	10/1/2008	Rubb	Area E Lunch Tent	While attempting to install metal double door and frame in "E" Lunch tent, employee got right ring finger and fifth (pinky) finger caught between edge of door frame and steel wall stud. Both fingers were lacerated, requiring surgery.	Recordable
38	10/3/2008	Bomac	SBU2	Employee was in process of cutting wooden pile when chain saw kicked back. Blade of saw cut through worker's boot, causing deep laceration requiring sutures and perscription medication.	Recordable
39	10/13/2008	Becon	DCU2	Installing anchor bolts when worker above dropped a 24 oz. hammer onto his right shoulder. Worker was put on work restriction.	Recordable
40	10/21/2008	Motiva	S&B Trailer Complex	Employee tripped on stairs, catching foot on an adjacent ramp. Foot was fractured in two places.	Recordable
41	10/29/2008	Bomac	N/A	Employee breaking down crane boom, using hammer to remove connecting pins, suffered laceration when his finger got caught between sledge hammer handle and truss of crane boom. Finger was found to be fractured and sutures were required.	Recordable
42	10/30/2008	Becon	F Parking Lot	While walking from vehicle to gate, employee tripped and fell, striking right arm on ground.	Recordable

Recordables Details

Incident # PTD	Date of Incident	Company	Location	Incident Description	Incident Type*
43	11/3/2008	Bomac	VPS5	Two ironworkers were installing diagonal brace on new piperack. As steel was lowered into place a shackle hung on a horizontal beam above. One of ironworkers was guiding brace with right hand and steadied himself with his left hand against column. When the shackle came free from the horizontal beam above, the brace swung and struck the injured worker's hand between the brace and the column. Worker was transported to JV medical and then sent to local ER for sutures and x-ray.	Lost Time
44	11/7/2008	Gold Crest	Duct Bank 19 - West Side of Heavy Haul Road	While the employee was assisting in the lift of a piping elbow with a boom truck, he felt pain in his back. On 11-10-08, the employee was referred to JV Medical by his supervisor because he was still experiencing discomfort. The employee was then referred to JV medical.	Recordable
45	11/5/2008	Baker	ASTU	Employee was using box cutter (utility knife) to cut the water stop from around concrete footing. While holding material to be cut with his left hand and cutting with his right hand, knife slipped resulting in a laceration to left forearm.	Recordable
46	11/18/2008	Austin	Area G	Employee was cutting 2x4 wedges with circular saw when saw kicked back causing blade to come in contact with employee's right hand resulting in a laceration.	Recordable
47	12/1/2008	Becon	PS4	Employee was retrieving wind-blown delivery tickets. Lost balance when descended east side of Heavy Haul Road and fell to Lower Heavy Haul Road. Worker received perscription medication and work restrictions.	Recordable
48	12/1/2008	Brundage Bone	Indirects	Employee was washing out his pump truck when lid to hopper fell down, hitting him on top of his hardhat and pushing his face down onto edge of hopper. Employee required sutures.	Recordable
49	12/5/2008	Cajun	HCU2	While installing all-thread/nut assemblies in Reactor foundation template, employee's left pinky finger was pinched between bottom bolt and template. Employee suffered laceration to finger requiring sutures.	Recordable
50	12/10/2008	Becon	PS4	Employee was driving a rebar stake into ground utilizing a 12# sledge hammer. As employee was driving downward on stake, sledge deflected to the side. This sudden movement resulted in pain in lower left side of back. Employee was taken to JV medical.	Recordable
51	12/11/2008	Becon	CFH	Employee was ascending a smooth drum Compactor to look for a key and when he could not find it, he began to descend the equipment. Employee's foot slipped on the ground and he stated that he fell on his back. Further medical care required pain medication.	Recordable
52	1/7/2009	Becon	VPS5	An employee was working on lifting the tail end of a 150 ft length of 16 inch HDPE pipe from the ground onto dunnage. He was releasing the pressure off the bottle jack to lower the pipe onto the dunnage when his left hand was pinched between the pipe and the jack stand. Injury required surgery.	Lost Time
53	1/7/2009	Becon	DCU2 Laydown Yard	A Becon rigger was working in the lay down # 6 area loading some rebar on a flat bed trailer. As he stepped over a cross-tie there was a landscape timber lying beside the crosstie. He stepped on the timber it rolled under his right foot and the employee twisted his ankle. Worker received restrictive duty.	Recordable
54	1/12/2009	Becon	PS4	Employee was moving forms when he felt pain to his back. Worker was put on restrictive duty and received perscription medication.	Recordable
55	1/14/2009	Austin	IBC	Employee slipped while working in an excavation, fracturing his ankle which required surgery.	Lost Time
56	3/18/2009	Becon	DCU2	A Becon rigger pinched the end of his right middle finger between a shackle and a lifting eye of a vessel while rigging up the shackle. The resulting laceration required sutures.	Recordable
57	4/1/2009	APAC	VPS5	While connecting a sheet piling removal device, an APAC employee struck the back off his hand/wrist area (above the glove) causing a laceration which required 4 stitches.	Recordable
58	4/6/2009	Becon	PS4 Laydown Yard	Employee was in the process of loading rebar onto a dolly trailer with assistance from a forklift. While moving the bundles over the center of the forks of a forklift, the top pre-fabricated rebar cage shifted and pinched his right middle finger.	Recordable
59	6/5/2009	Inserv	57PH - Tank 2067	While assisting in moving a tank shell buggy off the tank floor with a forklift, a Welder got his right middle finger pinched between the buggy and the forks of the forklift. Worker required sutures.	Recordable
60	6/29/2009	Becon	Winnie Laydown Yard	While assisting the off loading steel beams, worker caught his left middle and ring fingers in between the beams, fracturing his middle finger. Worker required surgery.	Recordable
61	8/5/2009	Becon	DCU2	While wearing fall protection, worker fell backwards off structure, injuring his arm and shoulder.	Recordable
62	8/7/2009	Turner	Laydown Yard #1	Employee's arm was hit with trackhoe bucket.	Recordable

Recordables Details

Incident # PTD	Date of Incident	Company	Location	Incident Description	Incident Type*
63	8/22/2009	Becon	DCU2	Employee slipped while carrying an aluminum beam. Resulted in fractured ankle.	Recordable
64	8/30/2009	S&B	SBU2	Employee was struck in the mouth while hammering off a wall tie from a poured concrete foundation. Injury resulted in fracture to one front tooth.	Recordable
65	9/17/2009	Turner	Adjacent to F Parking	Laceration and fracture to finger when employee attempted to remove an obstruction from an operational circular saw. Laceration required sutures.	Recordable
66	9/26/2009	Becon	Laydown Yard #9A	Worker got finger caught between 2 pipe spools resulting in a fracture and laceration requiring sutures.	Recordable
67	9/30/2009	Becon	H Block	Hook of a crane and the sling fell, striking the worker on the foot, resulting in a fracture to the foot. Worker tested positive for drugs but per OSHA definition, became a recordable incident.	Lost Time
68	10/5/2009	Motiva	North Gate and Savannah	Motiva CEP employee driving company pick-up was struck by a Becon employee off the clock and in his personal vehicle. Motiva employee received medication from the physician.	Recordable
69	10/28/2009	Becon	Laydown Yard #26	While repairing a cooling system leak on a JLG, employee caught hand in a rotating fan, resulting in a laceration that required sutures.	Recordable
70	10/31/2009	Austin	F Rack	While placing shackles on the hook of a crane, employee got finger caught between D-Ring and the hook, fracturing finger.	Recordable
71	11/5/2009	Becon	Laydown #25A	Employee tripped and fell while stepping over steel beams on ground, resulting in lacerations to face and arm. Lacerations required perscription medication and sutures.	Recordable
72	11/11/2009	Becon	VPS5	Rodbuster was cutting rebar with a port-a-band saw and received a laceration and fracture to the thumb of the hand holding the rebar.	Recordable
73	12/17/2009	Becon	HCU2	Worker slipped and fell into excavation, resulting in compression fracture to the 5th thoracic vertebrae.	Recordable
74	12/18/2009	Becon	DCU2	Worker had eye irritation from foreign debris falling from a scaffold. Received offsite treatment and perscription medication.	Recordable
75	12/22/2009	Becon	Area G Lunch Tent (VPS5 Employee)	Worker slipped and fell while getting on a bus, resulted in a fractured shoulder.	Recordable
76	1/6/2010	Newtron	OSBL-FGP	Worker in manbasket struck on hardhat and neck with steel plate while helping to position steel power pole, causing a compression fracture to the upper spine.	Lost Time
77	1/30/2010	Baker	OSBL-Community Sump	Rebar fell app. 8' onto worker's foot, resulting in a fracture.	Recordable
78	2/3/2010	Becon	PNT Laydown	While working near a forklift, forklift bumped a pile of steel, causing it to fall on the employee's foot resulting in a fracture.	Recordable
79	2/15/2010	Bomac	27PH	Boom fell on employee's foot resulting in a laceration and restricted work duty.	Recordable
80	2/16/2010	Baker	IBC-GC3	While climbing a ladder, employee's foot slipped off 2nd rung, causing him to catch himself from falling by his left arm. Worker required physical therapy.	Recordable
81	2/17/2010	Becon	DCU2	Employee struck in lips with a tool lanyard while descending a structure. Laceration required stitches.	Recordable
82	2/22/2010	Becon	DCU2	While working in a malfunctioned scissor lift, lift jerked when the emergency stop was released by a co-worker, resulting in the worker's mouth striking the handrail. Worker received perscription medication and sutures.	Recordable
83	3/10/2010	Turner	57PH - Tank 2067	Worker was driving a T-Post into the ground when he slipped and fell forward, resulting in a laceration to his face from striking the T-Post.	Recordable
84	3/11/2010	Becon	VPS5	While repositioning himself to install bolts in scaffold brackets, worker's foot slipped on all of his weight was caught on his left arm. Injuries included left elbow strain and biceps tendon tear.	Recordable
85	3/15/2010	Becon	VPS5	A pipe fitter working from a JLG basket at F-gate was prepping a 10" pipe on a pipe rack module when he lacerated his right forearm while using a 4" grinder. Laceration required sutures.	Recordable
86	4/9/2010	Becon	Port of Port Arthur	While moving outriggers off the deck, crane operator fell app. 6 feet, fracturing his ankle. Ankle was casted.	Recordable
87	4/16/2010	Turner	OSBL-Area E	Worker hit finger with hammer while constructing a concrete form. Finger was fractured.	Recordable
88	4/19/2010	Becon	NPC/E Rack	Crane boom failure resulted in suspended load striking worker.	Fatality
89	5/4/2010	Performance	HCU2	While installing grating on a catwalk, worker pinched his finger between a brace and some grating, resulting in a laceration requiring sutures.	Recordable
90	5/6/2010	Pala	SBU2, Tank 2113	Pala employee tripped over a ladder on the ground, breaking her wrist when she attempted to break her fall.	Recordable
91	5/20/2010	S&B	SBU2	Worker fell off ladder while attempting to tie off his lanyard, spraining left ankle and fracturing his heel.	Recordable
92	5/27/2010	Performance	PS4	Worker was handling pipe when a 6" pipe rolled off a pallet and rolled on his hand, pinching his left middle and ring fingers. Worker's hand required	Recordable

Recordables Details

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93	6/4/2010	Brock	NPC	A rack fell while moving scaffolding material, causing an avulsion and fracture to a worker's left ring finger.	Recordable
94	6/8/2010	Becon	DCU2	While grinding on pipe, grinder kicked back, cutting worker's left middle knuckle which required sutures.	Recordable
95	6/16/2010	Turner	GC3(IBC)	While flipping a stiffening plate, worker caught his left middle finger between 2 steel plates, causing a crush injury.	Recordable
96	7/1/2010	S&B	SBU2	During housekeeping, worker stepped onto an I-Beam, slipping and falling and striking and cutting left lower leg which required sutures.	Recordable
97	7/14/2010	Becon	DCU2	While working with a drill, using a vise to hold the material, drill hung up in the angle iron and employee lost their grip. Drill swung around and struck back of right hand. Right ring finger was fractured.	Recordable
98	7/21/2010	Becon	VPS5	Employee grabbed the handle of a pallet jack that had a section of Heater duct on it to release it in the downward position. When the duct came down, his right thumb became pinched between the pallet jack handle and the section of duct causing a laceration requiring sutures.	Recordable
99	7/21/2010	Teton	Area E Flare Area	Heat illness while welding. Worker received IV Fluids.	Recordable
100	7/23/2010	S&B	S&B Trailer Complex	Worker tripped and fell while ascending the stairs, fractured wrist.	Recordable
101	7/28/2010	Becon	DCU2	Pipefitter unloaded a 3", 300# (50 pounds) globe valve from a material trailer and carried the valve about 100 feet to the work area and set the valve down. He later felt strain to his groin area. Diagnosed as a hernia, which will require surgery.	Recordable
102	7/30/2010	Performance	HCU2	Crane outrigger lowered on employee's foot, resulting in fractures to the foot.	Recordable
103	8/2/2010	Turner	GC3-H Rack-OSBL	Scaffold builder was handled a damaged scaffold board that resulted in a large splinter piercing his glove and embedding into his hand. Splinter removed surgically and sutures received.	Recordable
104	8/7/2010	Austin	GC3	While building a cool down station, worker caught a pole with his right hand to avoid falling back when his hand tool slipped. Incident resulted in dislocation of a shoulder.	Recordable
105	8/9/2010	Teton	Area E Flare Area	Heat related illness. Worker was hospitalized and received IV Fluids.	Recordable
106	8/17/2010	Teton	27PH	Worker hyperextended his thumb when he attempted to break his fall when he fell over a crane mat. Patient was perscribed pain medication.	Recordable
107	8/20/2010	Turner	Area A Rack - GC3	Worker's lanyard got hung on scaffold, causing him to fall and fracture his wrist.	Recordable
108	9/1/2010	Performance	NPC	Worker's hand caught between wrench and tee handle resulting in a laceration requiring sutures.	Recordable
109	9/1/2010	Brand Energy	C Rack	While operating a grinder, the grinding wheel broke. A section of the wheel struck the employee in the mid abdomen area causing a laceration which required sutures.	Recordable
110	9/7/2010	S&B	SBU2	Worker was helping to rig up a vessel for lifting. His hand was caught between the forklift forks and the vessel support, resulting in injury to his right index finger, requiring surgery and restricted duty.	Recordable
111	9/2/2010	Becon	VPS5	Bruise and contusion to inside upper lip and teeth when struck while rigging a piece of pipe. Tooth was broken and required an implant to replace it.	Recordable
112	9/20/2010	Becon	DCU2	Worker turned his head to see who was calling him and walked into a beam that was in front of him. Resulted in a fractured nose.	Recordable
113	9/23/2010	Performance	Laydown 26A	An employee assigned to the grass cutting crew for the Laydown yards, was attempting to move a ladder cage by hand so that the area could be trimmed. The ladder cage shifted and caught his right thumb between the ladder cage and an adjacent ladder cage.	Recordable
114	9/23/2010	Becon	DCU2	Worker was using a drill when the drill bit caught, twisting the hand, resulting in a fracture to the 3rd metacarpal. Worker received work restrictions and pain medication.	Recordable
115	9/24/2010	Becon	Logistics Center	Worker cut upper thigh with a retractable box cutter, requiring sutures.	Recordable
116	9/28/2010	Becon	VPS5	Scaffold builder was passing scaffold boards and received a splinter in his left palm thru his glove. Splinter was removed but required sutures.	Recordable
117	10/4/2010	Becon	VPS5	Worker received foreign object embedded in his cornea requiring removal.	Recordable
118	10/11/2010	Turner	GC3-OSBL	While adjusting forks on a forklift, worker got his finger pinched between the fork and the mask.	Recordable
119	10/14/2010	Titan	Tank 2078 - 27PH	While ascending a ladder, wire became tangled around worker's foot, causing him to fall forward. Worker hurt his knee which was later diagnosed as a fractured tibia.	Recordable

Recordables Details

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120	10/18/2010	Becon	DCU2	Pipefitter was struck in the eye area with a welding rod that had been tacked on to a structure and left protruding without barricading or identifying as a hazard. Worker received a serious laceration to the orbital area, requiring outside care and hospitalization.	Lost Time
121	11/3/2010	Wyatt	GC5(Tank Building)	Worker was walking by an I-Beam support which fell, landing on his hard hat. Hat tilted, causing a laceration to right side of scalp on parietal bone. Laceration required sutures.	Recordable
122	11/8/2010	Turner	A Rack	Worker struck in mouth with a scaffold wrench while tightening a right angle bolt. Fractured 2 front teeth.	Recordable
123	11/18/2010	S&B	Parking Lot	Worker smashed finger while helping to move a tool box, resulting in a laceration and fracture.	Recordable
124	11/18/2010	S&B	SBU2	Wooden support became dislodged and fell, striking a worker's finger, causing a fracture.	Recordable
125	12/9/2010	Becon	DCU2	While cutting scaffold boards, a worker grabbed the end of a 2x4, striking the worker in the mouth, causing a contusion to the upper lip and breaking a tooth.	Recordable
126	12/17/2010	Analytical Stress	DCU2	Worker tripped while going up the steps to the office trailer and fell, fracturing his left little finger.	Recordable
127	1/4/2011	Turner	PH27	Worker fell 20 ft from scaffold while inspecting pipe. Fractured pelvis and required surgery.	Lost Time
128	1/13/2011	Becon	Laydown 11B	Worker slipped on ice while unloading water jugs off a flatbed track, striking his head and neck. Worker required pain medication.	Recordable
129	1/25/2011	Performance	PS4	Worker's hand was pinched between a chainfall and a scaffold bar while lowering the chainfall and a piece of pipe. Worker received a fracture to his right 3rd finger.	Recordable
130	2/10/2011	Becon	VPS5	A beam clamp slipped off end of beam while lifting pipe, causing the pipe to fall about 2.5 feet and striking employee in his right ankle, resulting in a fracture to the foot.	Lost Time
131	2/15/2011	ISC	HCU2	Transporting a junction box panel on a jack stand; junction box stand weighing approximately 200 lbs fell onto pt's R-foot piercing through his boot, causing a laceration.	Recordable
132	3/14/2011	S&B	SBU2	While cutting metal with a torch, slag entered a worker's boot, burning the top of his right foot. Worker received antibiotics.	Recordable
133	3/17/2011	Performance	NPC	Worker struck in face by a pipe while making a fit... Resulted in a laceration to the upper lip and possibly a broken nose.	Recordable
134	4/12/2011	PCL(Teton)	27PH	Worker was using a grinder on pipe when the grinder kicked back, causing a laceration on his upper leg that required sutures.	Recordable
135	4/20/2011	Trinity	GC3	Pipe hanger rolled and struck worker in the back of the hardhat resulting in a concussion, cervical neck strain and a fractured ankle.	Lost Time
136	4/29/2011	Performance	HCU2	Worker's finger was pinched when it was caught between a spring and a pipe, crushing it and requiring partial amputation.	Recordable
137	5/26/2011	Turner	PS3	Worker was passing a scaffold board down across his right shoulder when a splinter punctured his right axilla area. Injury required medication and sutures.	Recordable
138	6/2/2011	PCL(Teton)	GC1	Worker was assisting to move pipe over an I-Beam. Cheater was in path of pipe. Attempted to move cheater and finger was in path of pipe. Avulsion requiring sutures.	Recordable
139	6/25/2011	Becon	VPS5	Worker was tig welding when the wind blew up debris into his eye. Worker received a corneal abrasion and required antibiotic drops.	Recordable
140	6/27/2011	Becon	VPS5	Worker tripped over his lanyard, fell, fracturing a tooth and receiving multiple abrasions.	Recordable
141	7/6/2011	Becon	DCU2	Heat related illness.	Recordable
142	7/26/2011	PCL(Teton)	GC2	Worker was working on his knees while building a form. While he was on his knees, a bobcat pushed a crane mat, pinning the posterior side of his right leg from knee to ankle, between the crane mat and the concrete pier. He suffered a badly bruised ankle and required pain medication.	Recordable
143	8/9/2011	Tracer	Horizontal	Worker was lifting bag of trash onto a truck liftgate and caught his finger in the gate. Resulted in a laceration requiring sutures and possible nerve damage requiring surgery.	Recordable
144	8/9/2011	Turner	GC5(Tank Building)	Worker was descending a scaffold ladder inside a tank when his hands slipped. Fall to tank floor, resulting in a hairline fracture to scapula and bruising.	Recordable
145	8/10/2011	Turner	GC3	Worker was tightening a clamp on a scaffold when it slipped and struck him in the mouth. Laceration inside the lip required sutures.	Recordable
146	8/11/2011	Becon	VPS5	The employee adjusted the 4" grinder guard and inadvertently pressed the grinder switch and activated grinder wheel, cutting the top left index finger at the base of the finger nail.	Recordable

Recordables Details

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147	8/11/2011	Becon	DCU2	A Becon Instrumentation tech was bending over and performing his task and when he was coming up, his hard hat contacted part of a valve knocking it off and at the same time the back of his head struck the valve handle causing a laceration.	Recordable
148	8/24/2011	PCI	CFH	Worker was using a retractable box cutter to trim some orange netting. While pulling the knife toward him, he cut thru his glove, cutting his thumb and tendon.	Recordable
149	8/29/2011	PCL(Echo)	GC1	Worker stepped off a pump foundation and rolled his ankle causing it to dislocate, requiring hospitalization and surgery.	Lost Time
150	8/31/2011	Brock	CFH	An altercation between two contract workers resulted in an open head injury to one of the individuals requiring offsite medical treatment and sutures.	Recordable
151	9/13/2011	S&B	SBU2	Worker struck his hand on a unistrut when the wire he was pulling broke. Resulted in pain, swelling and a fracture.	Recordable
152	9/17/2011	S&B	SBU2	Worker's right thumb was fractured and lacerated when struck by a co-worker's foot as he was attempting to loosen a bolt/nut.	Recordable
153	9/28/2011	A&L Scaffold	Indirects	Worker was stacking scaffolding in the laydown yard when he got his finger caught between scaffold ladders. Resulted in a laceration requiring sutures.	Recordable
154	9/30/2011	Motiva	Production Trailer Complex	Employee was walking out of a trailer when he tripped on an object on the ground, falling on his chest. Was diagnosed as a hairline fracture to the ribs, received pain medication.	Recordable
155	10/1/2011	Becon	VPS5	While loosening a bolt from a flange to remove a PRV, worker got finger caught between wrench and flange, causing injury to 4th digit of left hand.	Recordable
156	10/3/2011	Becon	VPS5	An electrician was installing 3/4" conduit when the channel lock pliers slipped hitting his upper lip causing a laceration	Recordable
157	10/10/2011	Becon	DCU2	Worker was passing a scaffold board to another worker and caught a splinter from the board thru his glove into the palm of his right hand. Resulted in worker having to have a laceration done to remove splinter and prescription of antibiotics and pain medication.	Recordable
158	10/14/2011	Motiva	DCU2	Worker was closing a file cabinet drawer when the LOTO board fell from the top of the cabinet and struck him on the head. Resulted in a laceration that required sutures.	Recordable
159	11/7/2011	Performance	PS4	Worker was struck in groin area by a broken chainfall. Worker received pain medication.	Recordable
160	11/12/2011	Becon	VPS5	Becon JM pipe fitter injured his left foot after a 16" diameter blind flange fell on top of his foot. Incident occurred on 11/12/11 but was not reported to the MC until 11/15/11. The employee was evaluated at MC Medical and then transported offsite. X-rays confirmed a fractured left foot.	Lost Time
161	1/2/2012	Austin	DCU2	Pipefitter was unbolting 2 pieces of pipe with 150 pound flanges on each end. As the crew unbolted, the pipefitter reached under the pipe to remove a bolt. The flange shifted and trapped his pinky finger between the flange and the concrete surface. Patient was given pain medication and recommendation to a surgeon for amputation of the distal portion of the finger.	Recordable
162	1/17/2012	RCI	G Rack	Employees were unbolting a 30 inch 300 blind flange in order to make the bolt up between a valve and the pipe. All bolts were removed except 2 which were located at the top of the blind flange. During the removal of one of the bolts, the worker grabbed the bolt to keep it from falling to the level below and as the blind begin to roll, his left thumb got pinched between the bolt and the blind flange, crushing his thumb.	Recordable
163	1/19/2012	Becon	VPS5	Worker tripped and fell on grating, causing contusion to his knees and cuts to his hands requiring sutures.	Recordable
164	1/21/2012	Brock	VPS5	A worker who was attempting to retrieve his water bottle from the deck above him by stepping from one scaffold platform up to another, slipped and scraped his shin, resulting in a laceration to his leg just below his knee. Laceration required sutures and pain medication.	Recordable
165	1/31/2012	ISC	NPC	Worker closed this right thumb in one of the doors of a printshack which resulted in a laceration and sutures.	Recordable
166	2/3/2012	Jacobs	VPS5	Worker was tightening a flange when the combination wrench slipped and stuck his upper lip. Causing a laceration that required sutures.	Recordable
167	2/3/2012	Emplire Scaffolding	HCU2	Worker was climbing up a step on a scaffold when he slipped and tried to catch himself, resulting in a fracture to his middle finger.	Recordable
168	2/10/2012	Becon	VPS5	Worker was moving on an elevated scaffold platform when his foot slipped, causing him to fall approx. 6 feet, being caught by his harness. Worker received pain medication for sprained foot.	Recordable

Recordables Details

Incident # PTD	Date of Incident	Company	Location	Incident Description	Incident Type*
169	2/21/2012	Becon	VPS5	Electrician was grinding on a piece of angle iron when the grinder cord got tangled in a piece of grading. The Grinder slipped out of the worker's hand and struck his hand, resulting in a laceration thru his glove that required sutures.	Recordable
170	3/6/2012	Tracer	DCU2	While descending a ladder, worker slipped, injuring his right knee. The incident was reclassified as a recordable on 3/24 when the emmployee was prescribed physical therapy and restricted work duty.	Recordable
171	3/7/2012	Becon	VPS5	While descending stairs, worker lost her footing and tripped on the platform. She grabbed the railing to keep from falling and twsited her right middle finger.	Recordable
172	3/24/2012	Becon	VPS5	While dismantling a scaffold, worker smashed his finger between the end of a scaffold tube and another object, resulting in a laceration requiring sutures and medication.	Recordable
173	3/30/2012	S&B	SBU2	Worker struck in mouth with a scaffold board while dismantling scaffold and suffered a fractured tooth.	Recordable
174	3/31/2012	Becon	VPS5	Worker suffered a fracture to his hand when a drill he was using became stuck, causing the drill to change positions and strike the top of his right hand.	Recordable
175	4/25/2012	Motiva	HCU2	Operator was descending ladder from the finfan deck. When he reached the bottom rung, he stepped down off the raised concrete pad at the base of the ladder and rolled his ankle. Incident resulted in a hairline fracture to the foot.	Recordable
176	4/30/2012	MSI	HCU2	Worker struck his head on an overhead fire water suppression line, complained to the foreman that he didn't feel well and was going home. Later went to the ER, received pain medication.	Recordable

* NOTE - Fatalities and Lost Time Incidents are also Recordable Incidents.

Revised: 5/14/12

EXHIBIT

F-2

MOTIVA CRUDE EXPANSION PROJECT PPE REQUIREMENTS

HSSE CEP-S16
PAGE 1 OF 6
MARCH, 2008

I. PURPOSE

This document defines the Personal Protective Equipment (PPE) and associated training requirements for Motiva CEP staff personnel when working on the Crude Expansion Project. This document also identifies individuals who are responsible for issuing PPE to Motiva CEP staff and their visitors.

II. PPE ISSUE

Point-of-contact for PPE supplies at CEP locations are as follows:

Location	Name	E-mail	Office phone	Cell phone
Beltway	Mick Heim	Mick.heim@motivaent.com	281-776-1403	832-875-5609
Galleria	Kathy Tatmon	kathy.tatmon@motivaent.com	713-235-4543	832-693-5939
PAR	Billy Garrett	Billy.r.garrett@motivaent.com	409-989-7835	409-960-1834
PNT	Kurt Lammeman	kurt.lammeman@motivaent.com	713-235-4543	713-577-9696

Required PPE will be issued and replaced as necessary for Motiva CEP Staff personnel, including Staff subcontractors (ICON, Boumans, Pro -Inspect, Aston Tech, EnGlobal, Pathfinder, Kiersted). Motiva personnel are required to maintain issued PPE in serviceable condition and seek replacement when required.

Motiva CEP Staff personnel will be issued PPE in accord with the current PAR PPE policies. Details are included below, but basically the following cost parameters apply:

- Safety glasses – avg \$130 every 2 years
- Safety boots - \$125 per year
- Fire retardant clothing – avg \$180 every 2 years

Use the following charge code when obtaining PPE items: **6000391292 line item 010**



Safety Shoe
rogram.doc (Compr.



Sfty Glasses.doc
(Comprese...



she0024 Fire
Retardant Clothin...

Contact members of the Motiva CEP HSSE staff if you have any questions regarding the issue, use or applicability of any PPE items.

NOTE: Motiva or Shell personnel assigned to this project who may have a need for additional PPE due to visitors, etc., may check out this equipment on an as -needed basis.

**MOTIVA CRUDE EXPANSION PROJECT
PPE REQUIREMENTS**

**HSSE CEP-S16
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MARCH, 2008**

III. PPE REQUIREMENTS

In compliance with OSHA 1910.132 requirements, the following PPE management related activities will be conducted and documented (see **Attachments A and B**) for on-site Motiva CEP personnel:

- Conduct a workplace hazard assessment
- Train personnel on the use of relevant PPE

Following the hazard assessment and training, the following PPE will be worn by Motiva CEP personnel when required:

PERSONAL PROTECTIVE EQUIPMENT

Fall Protection

Refer to procedure **CEP S-4 Fall Protection** for specific requirements.

Suggest we remove this imbedded S-4 Fall Protection Word doc. and simply reference it as we have done above.



"CEP S4 Fall
Prot.doc"

Hearing Protection

Various areas and tasks at the site require the use of hearing protection.

All "Process Areas" are designated as "Hearing Protection Areas" within unit operating boundaries (ISBL).

Sign postings identify selected tasks which require hearing protection, while other tasks requiring hearing protection are identified in the JV Safety Management Plan and the Motiva Safety Handbook.

In addition to identified hearing protection areas, various short-term tasks and usage of certain equipment generating noise above 90 dBA require the use of hearing protection regardless of duration. *Example: employee using a jackhammer. Signs on fixed equipment state, " CAUTION, HEARING PROTECTION REQUIRED WHEN OPERATING ".*

Eye / Face Protection

Safety glasses are designed to provide frontal protection to the eye from flying particles and from glare and injurious radiation. To comply with OSHA 29CFR -1910.133, all safety glasses must meet the current ANSI Z87 standard. These safety glasses bear a permanent trademark of the manufacturer as well as the "Z87" ANSI logo on the frames. All lenses are etched with the manufacturer's trademark either on the side or top of the lens. *Glasses that do not have*

**MOTIVA CRUDE EXPANSION PROJECT
PPE REQUIREMENTS**

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these markings do not meet the ANSI standard and are not permitted where safety glasses are required.

To further prevent eye injuries, employees and contractors are required to wear safety glasses equipped with side shields; this includes prescription safety glasses. If the safety glasses you now use do not have side shields, they may be obtained from the CEP HSSE Dept or the PAR Safety Store. ANSI approved wrap-around type safety glasses will be approved.

Additionally, employees and contractors must have goggles with them at all times while on operating units, tank farms piperacks, Laydown yards, and open areas. Personnel will be expected to wear the goggles based on hazards associated with the tasks they are performing. To aid with ensuring goggles are readily available, goggle retainers will be used to affix goggles to hardhats; two styles of retainers are available, "permanent" and "strap clips".

Finally, when performing jobs where increased hazards to the eye and face are present, a face shield is required.

NOTE: When donning a face shield, goggles are required to be worn at the same time.

Head Protection

Hard hats protect the head from impact and penetration of falling and flying objects and from limited electrical shock and burn. With selected exceptions (i.e., inside vehicles, control rooms, laboratories, office buildings, and walking in designated parking lots) hard hats must be worn at all times by all personnel while on site.

Hard hats used on site must bear the ANSI Z89.1 Type 1, Class E label indicating proper protection for impact, penetration, and electrical shock resistance.

Foot Protection

ANSI Approved Safety Toe footwear shall be worn on the CEP by Motiva personnel, contractors and visitors with the following exceptions:

- Offices
- Controlrooms
- Locker rooms and wash rooms
- Lunch rooms
- Enclosed vehicles on road

Proper safety footwear is considered to be those shoes constructed of traditional leather uppers, a leather or similar chemical resistant sole; and have **a defined heel**. Tennis and jogging style shoes and shoes constructed of fabric or porous leather are NOT ACCEPTABLE in operating and construction areas.

FRC Clothing

**MOTIVA CRUDE EXPANSION PROJECT
PPE REQUIREMENTS**

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Motiva CEP personnel are not required to wear FRC's when in an identified "Open Area / Greenbelt Area" or CEP Lay Down Yards . However, when in "Open Areas" or Lay Down Yards, long sleeve shirts and full length pants are required.

FRC's are required when personnel enter PAR operating areas , tank farms and piperacks (ISBL or OSBL).

Motiva CEP personnel such as field engineers, who are required to go to PAR field areas (OSBL/ISBL) on occasion, will be issued two pair of FRC clothing. Personnel assigned to the field full time will be issued five sets of coveralls.

Hand Protection

Gloves are used for various types of hand protection; Motiva personnel must ensure they request and wear gloves appropriate to the hazards they will be exposed to.

Leather and durable cloth gloves are used to protect against scrapes, cuts, and burns. Synthetic polymer, or chemical resistant gloves are used to protect against injury from skin contact to harmful chemicals. Other specialty gloves (e.g., insulator cotton gloves, electrician gloves, Kevlar (R) cut resistant gloves, laboratory gloves, etc.) are made for specific hazards or tasks.

IV. TRAINING

Documented PPE training which covers issuance, applicability, use, care and maintenance, replacement and disposal is required for all Motiva CEP personnel. Motiva will verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the date(s) of training, and identifies the PPE item covered in the training (See Attachment B). The training may be supplied by PAR or the JV.

All Motiva CEP personnel are required to review this document upon initial assignment, and at least annually, or when changes to this procedure occurs.

CEP Project Director
Motiva Enterprises LLC
Port Arthur Refinery

Date: _____

**MOTIVA CRUDE EXPANSION PROJECT
PPE REQUIREMENTS**
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MARCH, 2008**

(Attachment A)

Billy has this certification been completed, signed and on file??


CERTIFICATION OF PPE WORKPLACE HAZARD ASSESSMENT

I _____ certify that the PPE Workplace Hazard Assessment has been performed for the Motiva Crude Expansion Project at PAR (Port Arthur Refinery) as required by 29 CFR 1910.132 (d)(2).

Work Area	Work Area Hazard	PPE Required (when exposed to hazard) (See Section III CEP-S16)
Construction management offices	1. Slip, trip, fall	1. Foot protection
CEP construction areas as follows: <ul style="list-style-type: none"> • DCU2 • SBU2 • VPS5 • CFH • PS4 • HCU2 • FGP • Naphtha complex • OSBL • ISBL • Field offices 	1. Foot injury & slip, trip, fall 2. Fall from height 3. Head injury 4. Hand injury (physical & chemical) 5. Eye injury (particles) 6. Excessive noise 7. Flash fire (OSBL/ISBL)	1. Foot protection 2. Body harness 3. Head protection 4. Gloves 5. Eye protection 6. Hearing protection 7. FRC

signature / title

date (dd/mm/yy)

	<h2 style="text-align: center;">Personal Protective Equipment</h2>	<h3 style="text-align: center;">Core Process</h3> <p style="text-align: center;">2HI-H030-00205</p>
<p style="text-align: center;">Bechtel Environmental, Safety, and Health (BESH)</p>		<h2 style="text-align: center;">205</h2>

1.0 General Requirements

The risks posed in any particular work activity shall be assessed, and adequate personal protective equipment (PPE) selected in accordance with the following:

- Ability of PPE to provide protection against risk(s) without compromising individual safety;
- Suitability for the user;
- Compatibility with work activity;
- Compliance with a recognized national or International standard of design or construction (e.g., BS, ANSI, DIN, ISO, NIOSH).

In addition:

- All employees shall be provided with the necessary PPE, as identified in the Risk Assessment for their particular work activity.
- Bechtel (or, the cognizant employer) shall provide the required PPE and the necessary information/training relating to the effective use of this equipment.
- All employees shall be held responsible for the proper care and use of any PPE supplied to them.
- Bechtel (or the cognizant employer) shall replace, free of charge to the employee, any PPE that becomes deficient or defective.
- Supervisors shall be responsible for ensuring that all personnel on the project are trained in the use of, are provided with, and are wearing all PPE required for the work activity.
- Employees not wearing or using the PPE issued to them will not be allowed to continue or commence work.
- Employees shall wear the appropriate PPE supplied to them at all times while working on their assigned tasks.
- Supervisors shall apply disciplinary action against any employee who fails to comply with the requirements of this procedure.

2.0 PPE Selection

PPE shall be selected and used to provide protection for all project personnel and visitors against the following:

- Inhalation and respiratory tract hazards;
- Skin contact hazards;
- Mechanical injury and hazards;
- Construction safety hazards;
- Physical agent hazards;
- Environmental hazards;
- Biological hazards;
- Radiological hazards.

3.0 PPE Policy

The minimum requirements for PPE on all projects will be as follows:

- **Hard Hat/Safety Helmet:** Plastic construction, manufactured in accordance with a recognized national or international standard (e.g., BS, ANSI, or equivalent).
- **Safety Footwear:** Sturdy work shoes (some projects may require steel toe protection) manufactured in accordance with a recognized national or international standard (e.g., BS, ANSI, or equivalent). The type of safety footwear provided will be adequate for the work activity and location.
- **Eye Protection:** Safety glasses, with side shields (or goggles).

PPE shall be worn within all industrial facilities and construction work-sites and whenever there is a significant risk of head injury.

These locations include, but are not limited to:

- Areas where notices are displayed stating that PPE should be worn. These notices shall be in English and the language of the host country. Visual signs shall also be displayed (outline drawing of hard-hat/boots, etc.)
- All construction sites.
- All locations where work is being performed for or on behalf of the company.

The following exception to the above is considered acceptable:

- Welders, when welding and cutting in restricted spaces that makes the wearing of a hard hat impractical.

***Note** - Long sleeve shirts and trousers must be worn at all times (see 3.1 below).*

3.1 Wearing Apparel:

Every employee will, at all times, wear clothing that protects the body and extremities. The typical personnel hazards listed below can be prevented as follows:

- Thermal burns from contact with hot pipes can be prevented by using long sleeve shirts and cloth gloves;
- Chemical burns and/or skin absorption of allergens and toxins can be prevented or minimized by use of appropriate chemical protective clothing (CPC).

The following additional requirements shall apply:

Revision Number: 2 <i>Supersedes all previous versions/revisions</i>	This Core Process is based upon Best Industry Practices and, as such, constitutes the minimum acceptable requirements that must be followed on any Bechtel Project at any location worldwide, regardless of country of operation and/or Global Business Unit. Projects that must implement more stringent requirements than those described herein (due to certain considerations, local government regulations, client/customer agreements, or any other reason), may only do so pending written approval for such deviations is obtained from BESH Management prior to implementation. Implementation of less-stringent requirements than those contained herein is not permitted.
Date: 01 APR 05	
Developed By: BESH	
Applicable To: All Projects All GBUs	

In the absence of proper approval, deviation from the minimum requirements described herein is not authorized.

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Contains confidential information proprietary to Bechtel not to be disclosed to third parties without prior written permission from Bechtel Corporation.

- Loose clothing will not be worn where it can contact or catch on energized conductors, moving parts, equipment, or other hazards of this type.
- Preference should be given to natural fibers in the clothing worn by personnel.
- Short pants are prohibited as outerwear.
- Tank top or sleeveless shirts are prohibited as outerwear.
- Finger rings or necklaces are prohibited when there is a danger of catching them on moving parts or contacting energized conductors.
- The practice of personnel wearing hard hats or coveralls other than those issued by their employer is prohibited.

3.2 Eye and Face Protection:

Suitable protective goggles, face shield or screens shall be worn by personnel involved in, assisting with or working adjacent to any activity where there may be a danger of projected debris, sparks or other particles, corrosive fluids or mists, excessive heat, light or other harmful radiation. Only approved protective eyewear may be worn. Such work situations include, but are not limited to:

- Working with rotating equipment such as grinders, drills, lathes;
- Cutting and welding;
- Chipping, chiseling or caulking;
- Using cartridge operated tools;
- Blasting - abrasive and grit;
- Working with chemicals;
- Mixing drilling fluids, acids or other toxic hazardous fluids;
- Working with paints, disinfectant, pesticides or other toxic or hazardous fluids;
- Working with strong sources of electromagnetic radiation, welding, machines, etc.;
- Working in the open with the risk of wind blown particles.

Safety glasses are required at all times on Bechtel projects, with the following exceptions:

- Vehicle and equipment operators inside enclosed cabs;
- Administration building (office work);
- Lunch and break periods (provided that no work is in progress in the immediate break area);
- Offices and supervisor shacks;
- When goggles are worn (unless the activity calls for double eye protection).

Safety sunglasses should be worn in strong sun glare to reduce eyestrain and fatigue. However, caution is warranted when employees must frequently move from outdoor to indoor locations. Wearing of sunglasses is not permitted indoors. Non light-sensing glasses with tinted lenses are prohibited inside buildings or other structures with limited illumination. This includes prescription glasses.

Employees whose vision requires the use of corrective lenses will wear one of the following:

- Personal eye glasses whose protective lenses provide optical correction with permanent fixed side shields and conform to the requirements of a recognized national or international standard (e.g., BS, ANSI, or equivalent);

- Safety goggles over their glasses, or goggles that incorporate a corrective lens mounted behind the protective lens, or safety over-glasses.

The following requirements apply to the use of eye/face protection on all Bechtel projects:

- Welding and other construction activities require special types of protection, including, in some cases, double protection (**Exhibit A**).
- Safety glasses will have approved side shields (slip-on side shields are prohibited).
- Employees who work in tight or enclosed spaces will wear goggles, face shield, and other protective equipment.
- All grinding operations will be performed while wearing a full-face shield and safety glasses or goggles.
- Welders will wear both safety glasses and a welding hood while welding.

3.3 Head Protection:

Hard hats protect heads from falling and flying objects and from limited electrical shock and burns. Hard hats are required at all times while on a construction facility, with the following exceptions:

- Vehicle and equipment operators inside enclosed cabs;
- Administration building (office workers);
- Lunch and break periods, provided that no work is in progress in the immediate break area;
- Offices and supervisor shacks.

Hard hats are to be worn in accordance with all manufacturer requirements. The practice of reversing the hat's suspension gear so the hat can be worn with the visor to the rear (i.e., backwards) shall not be permitted (unless written approval from the manufacturer has been obtained and is on file with the project ES&H Department).

Exception: Certain types of face protection used by welders may require the hard hat to be worn in reverse during welding operations only.

Painting hard hats shall be prohibited.

Hard hats must be worn directly on the head to ensure proper function and head protection. The wearing of baseball caps or other headgear under the hard hat shall be prohibited.

3.4 Respiratory Protection:

Respiratory protection will be worn in accordance with the requirements established in CP-311 (Respiratory Protective Equipment). In summary, the following requirements shall apply:

Respiratory protective equipment shall be available to all persons who are exposed to any situation in which there is a possibility of the atmosphere being or becoming deficient in oxygen or containing any harmful substance (e.g., particle, dust mist, vapor or gas), including the following:

BESH Core Process 205: Personal Protective Equipment

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- Work in containers or vessels where a danger of oxygen deficiency or harmful gases may be present;
- Work in shafts, sewers or enclosed septic tanks;
- Work in refrigeration plants where the danger of escape of refrigerant gas exists;
- Grit or abrasive blasting operations;
- Underwater (diving), construction or repairs.

Respiratory protective equipment will be used, stored, and maintained in accordance with the manufacturer's requirements and the project's written Respiratory Protective Equipment program (as required by CP-311).

Respiratory protective equipment will be selected on the basis of hazards to which the employee will be exposed. Protection will be selected following a risk assessment of the work to be performed (e.g., JHA, method statement, etc.) and based on the information provided on the Material Safety Data Sheet (MSDS) associated with the substance being used.

3.5 Hearing Protection:

Hearing protection will be worn in accordance with the requirements established in CP-312 (Hearing Conservation Program). In summary, the following requirements shall apply:

Suitable hearing protection shall be made available to all workers exposed to noise levels of 85 dB(A) or above. When noise levels reach 90 dB(A) for an eight hour work period, implementation of Hearing Conservation Program requirements is mandatory. At least two types of hearing protectors will be made available to employees.

In general, hearing protection worn frequently shall be issued on a personal basis. In addition to personal issue it is recommended to leave suitable hearing protection by the entrance into high-level noise areas.

Other than disposable hearing protection, equipment shall be properly inspected and cleaned.

All individuals in areas where the noise exposure meets or exceeds the following established limits will wear hearing protection:

Stay Time (hours/day)	Sound Level dB(A) slow response
12	87
10	88
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼	115

If hearing protection requirements are not posted in an area, but it is suspected that hearing protection is needed there, the matter shall be reported to the ES&H representative.

The project Environmental, Safety, and Health supervisor is responsible for establishing areas under control of the construction group where hearing protection may be required to be worn. This includes the use of protective equipment required when operating equipment that produces sound levels above 90 dB(A).

3.6 Hand and Arm Protection:

Adequate hand and arm protection shall be available for all manual labor. The type of protection worn shall be selected according to the hazard to be protected against. These include but not limited to:

- Impacts, cuts, abrasions and infections;
- Extreme temperatures;
- Chemical, toxic, corrosive and other hazardous substances.

The ES&H Department is responsible for the selection of appropriate hand protection. Selection will be based upon the hazards and tasks to be performed.

3.7 Body Protection:

Specific and adequate body protection shall be supplied for all work activities, which present certain hazards to personnel, including but not limited to:

- Working in extremes of temperature, such as fire fighting, heating furnace attendance, working in refrigeration plants, etc.;
- Welding, burning, cutting and grinding;
- Handling or mixing of acids and other toxic, corrosive or hazardous chemicals;
- Clean up and disposal of hazardous wastes (e.g. asbestos, hydrocarbons etc.).

3.8 Safety Harnesses and Lifelines:

Fall protection will be used in accordance with the requirements established in CP-212 (Fall Protection). In summary, the following requirements shall apply:

Safety harnesses and lifelines shall be provided, worn and properly secured in all work situations where any of the following dangers exist:

- Falling from a height greater than 6 feet (2 meters).
- Succumbing to toxic atmospheres or oxygen deficiency.

Such situations include, but are not limited to:

- Working on scaffolding;
- Work on any high structure, whether in construction or maintenance, including petroleum processing plants, drilling rigs, storage tanks, etc.;
- Work over water;
- Rescue work, in fire fighting, from high structures and from hazardous atmospheres.

Safety belts shall not be used; only safety harnesses shall be used. All such safety harnesses and lifelines shall be manufactured and inspected in conformance to a recognized national or international standard.

3.9 Electrical Protection Equipment:

Electrical protection equipment appropriate for the voltage to be encountered will be worn when working on lines, unless the lines are de-energized and grounded; when changing or moving ground wires or neutrals on energized equipment; when working within 6 feet (2 meters) of exposed energized lines or exposed live parts; or whenever a worker considers it advisable.

Manufacture classification will be clearly marked on all electrical protection equipment.

Repairs can be made to electrical protection equipment but must strictly conform to the standard.

Rubber gloves will be worn at all times when a worker is in the primary zone and can contact an energized conductor. Rubber sleeves will also be worn whenever the worker regards it as advisable for safety reasons. The primary zone extends 6 feet (2 meters) from conductors and equipment energized in excess of 600 volts.

When racking out 4.16 kV bus breakers, personnel will use safety spectacles or goggles covered by a face shield to prevent personal injury in the event of an electrical flash.

All electrically insulating equipment will be inspected for damage.

All electrical insulating equipment will be tested at least every 12 months.

The following specific requirements apply to insulating blankets, covers, line hose, gloves, and sleeves made of rubber:

- Insulating equipment will be inspected for damage before each day's use and immediately following any incident that can reasonably be suspected of having caused damage. Insulating gloves will be given an air test, along with the inspection.
- Insulating equipment with any of the following defects may not be used:
 - A hole, tear, puncture, or cut
 - Ozone cutting or ozone checking (the cutting action produced by ozone on rubber under mechanical stress into a series of interlacing cracks).
 - An embedded foreign object.
 - Any of the following texture changes: swelling, softening, hardening, or becoming sticky or inelastic.
 - Any other defect that damages the insulating properties.
- Insulating equipment found to have other defects that might affect its insulating properties will be removed from service and returned for testing.
- Insulating equipment will be cleaned as needed to remove foreign substances.

- Insulating equipment will be stored in such a location and in such a manner as to protect it from light, temperature extremes, excessive humidity, ozone, and other injurious substances and conditions.
- Protector gloves will be worn over insulating gloves, but need not be used with Class 0 gloves, under limited-use conditions, where small equipment and parts manipulation necessitate unusually great finger dexterity.

NOTE: Extra care is needed in the visual examination of the glove and in the avoidance of handling sharp objects.

- Marking on gloves will be confined to the cuffs and be of non-conducting material.

3.10 Specialized PPE:

Life jackets will be worn by Bechtel employees when working from a boat, near open water, or in any place where the danger of drowning exists. This includes work in specific areas of cooling tower basins.

4.0 Inspection & Testing

All personal protective equipment shall be inspected at regular intervals, tested in accordance to manufacturer's guidance, and conform to international standards.

5.0 Enforcement

Supervisors are responsible for ensuring that the requirements of these procedures are discussed with and implemented by their assigned personnel. All supervisors of work activities will ensure that all personnel in the work area comply with the requirements of this procedure.

Improper use or failure to use personal protective equipment and wearing apparel is considered a violation of safe work practices and work rules. Disciplinary action will be taken according to project/facility work rules.

In some cases, disciplinary action may also be directed beyond employees observed in the actual violation (e.g., failure to report unsafe acts and those cases where it is determined that supervisors or foremen had knowledge that employees were consistently violating safety work practices and the supervisor failed to initiate any action to correct the situation).

6.0 Exhibits

Exhibit A: Welding Helmet Lens Shade Selection

7.0 References

CP-212: Fall Protection
 CP-311: Respiratory Protective Equipment
 CP-312: Hearing Conservation Program

EXHIBIT G

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

RIVERA, ET AL

v.

C.A. No. 1:14-cv-00076

EVERGREEN FABRICATION
AND INDUSTRIAL SERVICES, INC.

AFFIDAVIT OF MARK W. FRASHER

BEFORE ME, the undersigned Notary Public, on this day personally appeared Mark W. Frasher, who being by me duly sworn on his oath deposed and said as follows:

"My name is Mark W. Frasher. I am over 18 years of age, of sound mind and am competent to make this Affidavit. I am fully able to make this Affidavit. The statements in this Affidavit are based upon my personal knowledge of the facts stated herein, and are true and correct.

I am an attorney representing the Plaintiff in the above lawsuit. I have been licensed to practice law in the State of Texas since 1997. I am admitted to practice law before the United States District Court for the Eastern and Southern Districts of Texas and Fifth Circuit Court of Appeals. I and the lawyers at Reaud, Morgan & Quinn, among whom include John Werner, litigate and try cases in the federal courts for the Eastern District of Texas on a regular, ongoing basis. Additionally, I handle appeals in the Fifth Circuit Court of Appeals.

I and the lawyers at Reaud, Morgan & Quinn represent parties in a variety of areas of law and legal disputes, including claims for unpaid wages and violations of the Fair Labor Standards Act. I am familiar with the rates charged by lawyers in this community with similar experience. My hourly rate in this matter is \$350.00, which rate is reasonable for a lawyer practicing in this community with the same or similar experience.

I am familiar with the education and experience of John Werner. John Werner has been licensed to practice law in Texas since 1994. John Werner is admitted to practice law before the United States District Courts for the Eastern and Southern Districts of Texas, as well as before the Fifth Circuit Court of Appeals and Third Circuit Court of Appeals. John Werner represents parties in a variety of areas of litigation, including claims for unpaid wages and violations of the Fair Labor Standards Act. John Werner's hourly rate is \$400.00, which rate is reasonable for a lawyer practicing in this community with the same or similar experience.


Additionally, Reaud, Morgan & Quinn has handled preparation and filing of Petitions for Writ of Certiorari to the United States Supreme Court, including a Petition in a related FLSA matter.

In conjunction with this matter, I and John Werner performed investigation, legal research, drafting the Original Collective Action Complaint, appearing at a court conference when this matter was consolidated with other cases, reviewing documents, and preparing the instant Motion for Default Judgment. As of this date, I have expended 7.8 hours attributable to this matter, and John Werner has expended 3.1 hours attributable to this matter. My total fees are \$2,730 and John Werner's total fees are \$1,240 for a total fee of \$3,970.

All of the above described time incurred in this matter was necessary and reasonable in pursuing the instant claims and pursuing the requested relief.

In the event Defendant pursued appellate relief, an estimate of the number of hours we will expend responding to same, multiplied by the above hourly rates will result in fees exceeding \$20,000, which fees would be reasonable and necessary for handling the appeal to the Fifth Circuit. In the event the Defendant pursues a petition for writ of certiorari in the United States Supreme Court, an estimate of the number of hours we will expend responding to the petition multiplied by the above hourly rates will result in fees exceeding \$20,000, which fees would be reasonable and necessary for handling said appeal.

Affiant sayeth further not."



Mark W. Frasher

SUBSCRIBED and SWORN TO BEFORE ME on January 20th, 2015, to certify which witness my hand and official seal.



Notary Public, State of Texas

